

CITY OF HUNTSVILLE, TEXAS

Andy Brauninger, Mayor

Keith D. Olson, Mayor Pro Tem, Position 4
Paul Davidhizar, Position 1 At-Large
Lydia Montgomery, Position 2 At-Large
Don H. Johnson, Position 3 At-Large



Joe Emmett, Ward 1
Tish Humphrey, Ward 2
Ronald Allen, Ward 3
Joe Rodriquez, Ward 4

HUNTSVILLE CITY COUNCIL AGENDA TUESDAY, AUGUST 16, 2016 WORK SESSION 4:15 P.M. - REGULAR SESSION 6:00 P.M.

CITY COUNCIL CHAMBERS HUNTSVILLE CITY HALL, 1212 AVENUE M, HUNTSVILLE, TEXAS, 77340

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office (936.291.5403), two working days prior to the meeting for appropriate arrangements.

EXECUTIVE SESSION [4:15 P.M.] – City Council will convene in closed session as authorized by Texas Government Code Chapter 551, Section 551.071 to receive legal advice on claims regarding the Americans with Disabilities Act.

WORK SESSION [4:45 P.M.] – City Council will discuss the Town Creek Drainage Project construction bid.

EXECUTIVE SESSION [5:40 P.M.] – City Council will convene in closed session as authorized by Texas Government Code Chapter 551, Section 551.071 to receive legal advice regarding requirements to purchase an easement and/or real property for drainage improvements, and Section 551.072 to deliberate the purchase, exchange, lease, or value of real property, on an easement for drainage improvements.

MAIN SESSION [6:00 P.M.]

1. CALL TO ORDER

2. INVOCATION AND PLEDGES

U.S. Flag

Texas Flag: Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.

3. PUBLIC HEARINGS – The City Council will receive comments on the following:

- Adoption of Ordinance 2016-36, amending Article 7 Landscaping and Buffers to address trees in public rights-of-ways; and Article 8 Signs to address the applicability of this article to the Extraterritorial Jurisdiction (ETJ) of the City in the *Development Code* of the City of Huntsville, and providing an effective date.
- Adoption of Ordinance 2016-37, to change the Development District Classification of Lots 64 and 66 of Far Hills Addition, Section 2 from Neighborhood Conservation to Management.
- Adoption of Ordinance 2016-38, to change the Development District Classification of Lots 1A and 3A, Block 2 of the Southwood Area of Northcrest Terrace subdivision from Neighborhood Conservation to Management.
- Adoption of Ordinance 2016-39, to change the Development District Classification of Blocks 1, 2, 3 and 7 of the G. A. White Subdivision from Neighborhood Conservation to Management.

4. CONSENT AGENDA

Public Comments will be called for by the presiding officer before action is taken on these items. *(Approval of Consent Agenda authorizes the City Manager to implement each item in accordance with staff recommendations. An item may be removed from the Consent Agenda and added to the Statutory Agenda for full discussion by request of a member of Council.)*

- Approve the minutes of the City Council meeting held on August 2, 2016 and the special session held on August 9, 2016. [Lee Woodward, City Secretary]
- Adopt Resolution 2016-31 authorizing the City Secretary to designate Deputy City Secretary Megan Kaltenbach to act on behalf of the City Secretary in her absence. [Lee Woodward, City Secretary]
- Adopt Ordinance 2016-34 calling the November 8, 2016 municipal general election for the purpose of electing four (4) at-large Councilmembers, single reading required. [Lee Woodward, City Secretary]
- Adopt Ordinance 2016-35 to amend the budget for FY 15-16, single reading required. [Steve Ritter, Finance Director]
- Award a contract for repair of Well 17 to Smith Pump. [Carol Reed, Director of Public Works]
- Authorize the City Manager to purchase storage technology for body camera video in the amount of \$66,701.17. [Dr. Sherry McKibben, Director of Neighborhood Resources]
- Authorize the City Manager to sign an interlocal agreement with the Trinity River Authority (TRA) for construction, construction administration, and maintenance of a hydropneumatic tank at the Huntsville Regional Water Supply System Plant (HRWSS), for surge protection on the 30" treated water transmission line. [Carol Reed, Director of Public Works]

5. STATUTORY AGENDA

- FIRST READING** - *Presentation, public comment, discussion, and possible action* to consider adoption of Ordinance 2016-36, amending Article 7 Landscaping and Buffers to address trees in public rights-of-ways; and Article 8 Signs to

address the applicability of this article to the Extraterritorial Jurisdiction (ETJ) of the City in the Development Code of the City of Huntsville, and providing an effective date, first reading. [Aron Kulhavy, Director of Community and Economic Development]

- b. **FIRST READING** - *Presentation, public comment, discussion, and possible action* to consider adoption of Ordinance 2016-37, to change the Development District Classification of Lots 64 and 66 of Far Hills Addition, Section 2 from Neighborhood Conservation to Management, first reading. [Aron Kulhavy, Director of Community and Economic Development]
- c. **FIRST READING** - *Presentation, public comment, discussion, and possible action* to consider adoption of Ordinance 2016-38, to change the Development District Classification of Lots 1A and 3A, Block 2 of the Southwood Area of Northcrest Terrace subdivision from Neighborhood Conservation to Management, first reading. [Aron Kulhavy, Director of Community and Economic Development]
- d. **FIRST READING** - *Presentation, public comment, discussion, and possible action* to consider adoption of Ordinance 2016-39, to change the Development District Classification of Blocks 1, 2, 3 and 7 of the G. A. White Subdivision from Neighborhood Conservation to Management. [Aron Kulhavy, Director of Community and Economic Development]
- e. **FIRST READING** - *Presentation, public comment, discussion, and possible action* to consider authorizing the City Manager to sign Addendum B, in the amount of \$7,216,725.00, to the Construction Manager at Risk (CMAR) Agreement with Garney Construction for Town Creek Drainage Improvement Project, first reading. [Dr. Sherry McKibben, Director of Neighborhood Resources; Y. S. "Ram" Ramachandra, City Engineer]
- f. *Presentation, public comment, discussion, and possible action* to consider authorizing the City Manager to sign an agreement with Rogers-O'Brien for Construction Manager At-Risk Services for the Sam Houston Statue Visitor Center and Gift Shop. [Aron Kulhavy, Director of Community and Economic Development, and Kimm Thomas, Director of Tourism and Cultural Services]

6. MAYOR/CITY COUNCIL/CITY MANAGER AND CITY ATTORNEY REPORT

- a. *Presentation, public comment, discussion, and possible action* to approve the Mayor's nominations for City boards, committees, and commissions. [Mayor Brauningner]
- b. *Presentation, public comment, discussion, and possible action* to approve, and authorize the City Manager to sign, an interlocal agreement between the City of Huntsville and the Texas Department of Criminal Justice for water service to the Ellis and Estelle Units. [Councilmembers Olson and Johnson]
- c. *Presentation, public comment, discussion, and possible action* to consider adopting Ordinance 2016-33, calling a special bond election for November 8, 2016, single reading required. [Mayor Brauningner]

7. REQUESTS FOR CITIZEN PARTICIPATION

An opportunity for citizens to be heard on any topic and for the City Council to participate in the discussion. No action will be taken.

No requests were received by noon on Tuesday, August 9, 2016.

8. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA

9. ITEMS OF COMMUNITY INTEREST

(Hear announcements concerning items of community interest from the Mayor, Councilmembers, and City staff for which no action will be discussed or taken.)

10. ADJOURNMENT

*If, during the course of the meeting and discussion of any items covered by this notice, City Council determines that a Closed or Executive session of the Council is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Sections: 551.071 – consultation with counsel on legal matters; 551.072 – deliberation regarding purchase, exchange, lease or value of real property; 551.073 – deliberation regarding a prospective gift; 551.074 – personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; 551.076 – implementation of security personnel or devices; 551.087 – deliberation regarding economic development negotiation; and/or other matters as authorized under the Texas Government Code. If a Closed or Executive session is held in accordance with the Texas Government Code as set out above, the City Council will reconvene in Open Session in order to take action, if necessary, on the items addressed during Executive Session.

CERTIFICATE

I, Lee Woodward, City Secretary, do hereby certify that a copy of the August 16, 2016 City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.huntsvilletx.gov, in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING: _____

TIME OF POSTING: _____ am/pm

TAKEN DOWN: _____

Lee Woodward, City Secretary



CITY COUNCIL AGENDA

8/16/2016

Agenda Item: 3a & 5a

Item/Subject: PUBLIC HEARING: Consider adoption of Ordinance 2016-36, amending Article 7 Landscaping and Buffers to address trees in public rights-of-ways; and Article 8 Signs to address the applicability of this article to the Extraterritorial Jurisdiction (ETJ) of the City in the *Development Code* of the City of Huntsville, and providing an effective date, first reading.

Initiating Department/Presenter: Community & Economic Development

Presenter: Aron Kulhavy, Director of Community and Economic Development

Recommended Motion: No action necessary, first reading.

Strategic Initiative: Goal #1 - City Appearance - Provide policies, amenities, and events that enhance the City's already beautiful and historic natural environment.

Discussion: The City of Huntsville Development Code was updated after a lengthy process and became effective on August 31, 2015. During the Code consideration process, it was intended that the provision requiring City Manager approval/permitting to remove existing trees which are located in rights-of-way or any other public place would remain in the updated Development Code. It was also intended, per the approved Decision Package for Billboards by both Council and Planning Commission, to prohibit the placement of billboards (off-premise signs) in the ETJ of the City. It was an oversight that the adopted updated code omitted the language to prohibit the new construction of billboards in the ETJ and the removal of trees in public rights-of-way and places without City Manager approval/permitting.

A Public Hearing and consideration for the amendments of these Development Code articles was on the agenda of the August 4, 2016, Planning Commission meeting. The Planning Commission briefly discussed the possibility of applying the entire sign standards of the Development Code to the ETJ but determined the best course of action at this time is to only address the two items mistakenly left out of the adopted code. During the Public Hearing on this issue, one citizen spoke in opposition to the extension of all sign regulations into the ETJ. Charles Smither, Jr. expressed concern that the City will be overreaching its authority and enforcement capabilities. The Commissioners voted unanimously to recommend approval of the amendments for these Development Code Articles to address trees in the public right of way and billboards in the ETJ.

The amended Planning Commission Discussion Form as attached details the content of the proposed ordinance to insert the code language to correct these two oversights.

Previous Council Action: The current Development Code was adopted in 1986. Since that time, several amendments have been adopted, many of those minor changes to address specific issues. In April of 2013, the City entered into a contract with Duncan and Associates to draft a Development Code update. In June 2014, Duncan and Associates held a joint workshop with the City Council and Planning and

Zoning Commission (now the Planning Commission) as an overview to the proposed changes to the code. The City Council adopted the Development Code in its current form in August 2015, with an effective date of August 31, 2015. On May 3, 2016, the City Council adopted Ordinance 2016-20 for revised Code language for the placement of manufactured homes and the construction of new mobile home parks and subdivisions in the city.

Financial Implications: There are no direct financial implications to the City associated with adopting the Development Code.

Approvals: ☒ City Attorney ☐ Director of Finance ☒ City Manager

Associated Information:

- Planning Commission Discussion form (page 3)
- Draft Ordinance 2016-36 (page 4-7)
- Code update adoption Decision Package for Billboards (page 8)
- Draft minutes of August 4, 2016 Planning Commission meeting (page 9)

Planning Commission Discussion Form

Prepared by: Aron Kulhavy, AICP, Community & Economic Development Director/City Planner
Janet Ridley, Planner

MEETING DATE: August 4, 2016

SUBJECT: Trees in Rights-of-way and Public Places; Signs in the ETJ

This discussion form focuses on the proposed changes to the Development Code concerning existing trees located in rights-of-ways or in any public place and signs located in the Extraterritorial Jurisdiction (ETJ) of the City of Huntsville.

During the consideration of the Development Code update in 2015, it was intended that the provision requiring City Manager approval/permitting to remove existing trees which are located in rights-of-way or any other public place to remain and be placed in the updated Development Code. This was not a Decision Package which the Commission voted on. Staff proposes that *Section 7.800 Trees in Public Rights-of-way* be added to *Article 7 Landscaping and Buffers* to address this omission from the updated Code. (See attached page 7-5 for language.)

The Planning Commission and City Council did vote on a Decision Package for the construction of new billboards, (off-premise signs), during the consideration of the *Development Code* update in 2015. The options in the package were to either allow or prohibit the new construction of billboards in the city limits and the ETJ. The Commission and the Council both voted to prohibit the new construction of billboards in the City and in the ETJ. It was an oversight that the adopted updated code did not include the language to prohibit the new construction of billboards in the ETJ. Staff proposes that *Section 8.700 Off-Premise Signs* in *Article 8 Signs* be revised to include the ETJ of the City. (See attached page 8-9 for language.)

STAFF RECOMMENDATION:

*Staff recommends the approval of the proposed code language for **Section 7.800 Trees in Public Rights-of-ways** and revised code language for **Section 8.700 Off-Premise Signs** as presented.*

ATTACHMENTS:

Development Code revisions drafts; Pages 7-5, 8-9, and 8-1

2015 Billboard Development Code Decision Package

ORDINANCE 2016-36

AN ORDINANCE OF THE CITY OF HUNTSVILLE AMENDING CHAPTER 24 LAND DEVELOPMENT OF THE HUNTSVILLE, TEXAS CODE OF ORDINANCES BY ADOPTING REVISIONS TO THE DEVELOPMENT CODE OF THE CITY OF HUNTSVILLE, TEXAS;; REQUIRING THE PUBLICATION OF THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR A PENALTY; MAKING OTHER PROVISIONS AND FINDINGS THERETO; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Planning Commission of the City of Huntsville held public hearings prior to consideration of amending the ordinance;

WHEREAS, the Planning Commission recommended adopting the updates to the City of Huntsville Development Code; and

WHEREAS, the City Council held a public hearing at their meeting on _____ prior to consideration of amending the Ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, COUNTY OF WALKER, STATE OF TEXAS:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Huntsville, Texas, and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

II. AMENDMENT

The Development Code of the City of Huntsville, Texas, Article 7 Landscaping and Buffers and Article 8 Signs, Section 8.700 Off-Premise Signs shall be amended as shown in Exhibit 1 attached hereto and incorporated herein.

III. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

IV. SEVERABILITY

Should any paragraph, sentence, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance

as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

V. EFFECTIVE DATE

This Ordinance shall take effect on _____. The City Secretary shall publish the caption of this Ordinance in the official City newspaper at least twice within ten (10) days of its passage.

VI. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 1 of the Development Code of the City of Huntsville, Texas.

PASSED AND APPROVED on this the _____ day of _____, 2016.

THE CITY OF HUNTSVILLE, TEXAS

Andy Brauningner, Mayor

ATTEST:

Lee Woodward, City Secretary

APPROVED AS TO FORM:

Leonard Schneider, City Attorney

Article 7: Landscaping and Buffers

7.600: Garbage and Recycling Dumpsters

3. All other regulations of the Code are met.

7.504.B With written permission of the City, a required buffer may include a stormwater detention area.

7.504.C Buffers may not be used for any of the following: playfields, stables, swimming pools, tennis courts, or similar active recreation uses.

7.600 Garbage and Recycling Dumpsters

Garbage and recycling dumpsters must be placed on concrete pads and be screened from view of streets and all abutting parcels with a solid fence or wall at least 6 feet in height. Dumpster locations and designs must comply with all applicable Solid Waste Services Division requirements and be indicated on required site plans.

7.700 Landscape Planting Areas and Maintenance Requirements

The planting area and maintenance requirements of this section apply to all required buffers and landscape areas.

7.701 Required trees must be located in a planting area sufficient for growth, maintenance and irrigation.

7.702 All trees within or near parking areas and driveways must be protected from damage by vehicles by a curb, wheel stop or other City-approved barrier.

7.703 Required landscaping must be irrigated by an irrigation or sprinkler system or be located within 150 feet of a hose connection.

7.704 The developer must maintain and protect landscaped areas and must replace any diseased, dying or dead landscaping within 45 days after receiving notification from the City. Extensions of this replacement period may be allowed based upon seasonal considerations. Replacement plantings must equal or exceed the size and quality of plantings being replaced.

7.800 Trees in Public Rights-of-way

A person commits an offense if he removes or destroys a tree in the street right-of-way or in any public place without first obtaining a permit from the City Manager.

those times are determined by the National Weather Service (Actual Time). Brightness must be measured from the brightest element of the sign's face. Before the issuance of a sign permit, the applicant must provide written certification from the sign manufacturer that the light intensity has been factory pre-set so that it will not exceed 5,000 nits (candelas per square meter).

1. For the purpose of enforcing and verifying compliance with maximum brightness level requirements, brightness levels will be measured with the dynamic display sign set to run full white copy with a luminance meter positioned at a location perpendicular to the sign face center. When taking the luminance reading, the sign face must be the only subject visible in the viewfinder.
2. If the measurement is more than the maximum allowed, the brightness level is in violation of this Development Code and must be adjusted downward. Failure to make such adjustments may result in other available enforcement actions to be taken by the City.

8.604.H Regulations governing dynamic displays are subject to ongoing monitoring and future modification in the exercise of the City's police powers. No vested right is ever created in an existing dynamic display. If regulations governing operational aspects of dynamic displays (e.g., dwell time, transitions, illumination/brightness, etc.) are modified by the City, sign owners and operators are required to bring dynamic display advertising signs into compliance with all applicable dynamic display regulations.

8.604.I Light trespass or spillover from any dynamic display may not cause the light level along any NC district property line, as measured at a height of 60 inches above grade in a plane at any angle of inclination, to exceed 0.1 footcandles above ambient light levels at the subject property line.

8.700 Off-Premise Signs

Off-premise signs may not be installed or enlarged after the effective date specified in Sec. ~~1.300~~ at any location in the City of Huntsville and Extraterritorial Jurisdiction (ETJ) of the City. Off-premise signs lawfully established before the effective date specified in Sec. ~~1.300~~ are deemed nonconforming signs and may continue to exist in their current location in accordance with the regulations of §~~2.800~~.

8.800 Administration and Enforcement

8.801 Sign Permits

8.801.A All freestanding signs and illuminated signs require review, approval and issuance of a sign permit, unless otherwise expressly stated.

8.801.B Any person proposing to erect any sign requiring a sign permit must submit a sign permit application to the City Planner. Application for such permit must be accompanied by detailed plans, including scaled drawings of the proposed sign, a site plan and other information

Development Code Decision Package

Issue: Construction of new billboards

Code Section: 8.700

Existing Development Code: The code allows for the placement of new billboards along IH 45, and highways 30, 19, 75 and 190 provided they meet certain placement criteria.

Options:

1. Prohibit all new billboard construction within the city limits and the ETJ.
2. Allow for the placement of new billboards consistent with the existing code.

Survey Results: 53% stated that the City should prohibit the placement of new billboards.

Staff Recommendation: *The Comprehensive plan recommends attention to the development quality, impacts and aesthetics along Huntsville's major roadway corridors. As all of the locations in which billboards can be placed are along major corridors and they have a major impact on the environment with minimal development quality and are a detriment to aesthetics, staff recommends option 1.*

EXCERPT FROM DRAFT MINUTES OF THE AUGUST 4, 2016 PLANNING COMMISSION MEETING

4. **PUBLIC HEARING** to consider amending Article 7 Landscaping and Buffers to address trees in public rights-of-ways; and Article 8 Signs to address the applicability of this article to the Extraterritorial Jurisdiction (ETJ) of the City in the *Development Code* of the City of Huntsville.

Chairman Johnston opened the Public Hearing, [12:48 PM]

Aron Kulhavy gave an overview of proposed amendments per the discussion form. Both of these items were intended to be included in the adoption of the update of the Development Code. It was an oversight that these items were left out. The voted on and approved Decision Package for Billboards included the ETJ in the prohibition of the new construction of billboards (off-premise signs). Staff is also inquiring if the Commission desires to have the entirety of Article 8, per the revision of Section 8.102, to be effective for the ETJ. Staff recommendation is to approve the language revision as presented for *Sections 7.800 and 8.700* but not *Section 8.102*.

There were not any speakers in favor of the Code language revisions.

Charles Smither, Jr. spoke in opposition to the proposed Code language revisions for signs in the ETJ. He stated his opinion that the City will be over-reaching as staff is not able to enforce the sign code in the City, much less the entire ETJ.

Chairman Johnston closed the Public Hearing, [12:53 PM]

5. **CONSIDER** amending Article 7 Landscaping and Buffers to address trees in public rights-of-ways; and Article 8 Signs to address the applicability of this article to the Extraterritorial Jurisdiction (ETJ) of the City in the *Development Code* of the City of Huntsville.

Commissioner's discussion favored the language revision to require City Manager permitting for removal of trees in the rights-of-ways and other public places and also favoring the prohibition of billboards (off-premise signs) in the ETJ. They agreed that more time and consideration is needed in order to make a decision regarding applying the entire sign code to the ETJ.

Commissioner Woods moved to approve the Development Code Language revision for Section 7.800 and Section 8.700 and to table the discussion to apply the applicability of the entire sign code to the ETJ. Second was by Commissioner Barry. The vote was unanimous.



CITY COUNCIL AGENDA

8/16/2016

Agenda Item: 3b & 5b

Item/Subject: PUBLIC HEARING: Consider adoption of Ordinance 2016-37, to change the Development District Classification of Lots 64 and 66 of Far Hills Addition, Section 2 from Neighborhood Conservation to Management, first reading.

Initiating Department/Presenter: Community & Economic Development

Presenter: Aron Kulhavy, Director, Community & Economic Development Department

Recommended Motion: None, first reading.

Strategic Initiative: Goal #3 - Economic Development - Promote and enhance a strong and diverse economy.

Discussion: The Planning Commission has initiated the Development District Map Amendment to change the development district classification for Lots 64 & 66 of Far Hills Addition, Section 2, located at 63 & 59 SH 75 N, from Neighborhood Conservation to Management. The property is located on the southern and eastern edge of a Neighborhood Conservation district, with the adjoining property to the south being in a Management district. The property to the east, across SH 75, is also zoned Management.

A Public Hearing and Consideration of this Development District Map Amendment case was on the agenda for the July 21, 2016, Planning Commission Meeting. The Commissioners voted unanimously to recommend approval of the Development Map Amendment to change the subject property from Neighborhood Conservation to Management. Minutes from the Planning Commission showing the discussion at their meeting is attached with this report.

The discussion form and other documents submitted to the Planning Commission from staff are also attached.

Previous Council Action: The Council has taken not considered the district classification of these two particular tracts. In 2009, the Council reclassified a lot to the south of the subject tracts that now houses Keller Williams realty. In 2015 the Council reclassified an adjacent lot which now houses the H3 Motors dealership.

Financial Implications:

☒ There is no financial impact associated with this item.

☐ Item is budgeted: In the amount of \$

☐ Item is not budgeted: ☐ Item is estimated to generate additional revenue:

Approvals: ☒ City Attorney

☐ Director of Finance

☒ City Manager

Associated Information:

- Ordinance 2016-37 (*page 3*)
- Planning Commission Discussion form (*page 5-6*)
- Vicinity Map (*page 7*)
- Excerpt from 7/21/2016 Planning Commission Minutes (*page 8*)

ORDINANCE NO. 2016-37

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, AMENDING THE OFFICIAL DEVELOPMENT DISTRICT MAP OF THE CITY OF HUNTSVILLE, TEXAS TO CHANGE THE DEVELOPMENT DISTRICT CLASSIFICATION FOR LOTS 64 & 66 OF FAR HILLS ADDITION, SECTION 2, LOCATED AT 63 & 59 SH 75 N, FROM NEIGHBORHOOD CONSERVATION TO MANAGEMENT

WHEREAS the City Council of the City of Huntsville, Texas, has adopted an Official Development District Map and attendant regulations for the City which, in accordance with the Comprehensive Plan, was designed to control the density of population to the end that congestion may be lessened in public streets and that the public health, safety, convenience and general welfare be promoted in accordance with Chapter 211, Municipal Zoning Authority of the Texas Local Government Code; and

WHEREAS the Development Code of the City of Huntsville provides for the amendment of the Official Development District Map; and

WHEREAS after public notice, the Planning Commission held a public hearing on July 21, 2016 to consider comments of the public regarding the adoption of amendments to the Official Development District Map; and

WHEREAS the Planning Commission has studied and evaluated the request and the report prepared by City Staff; and

WHEREAS the Planning Commission has considered the comments of the public presented at that public hearing and has prepared a report for this Council of its conclusions and recommendations;

WHEREAS after public notice, City Council held a public hearing on August 16, 2016 and September 6, 2016 to consider comments of the public regarding the adoption of amendments to the Official Development District Map; and

WHEREAS the City Council has studied and evaluated the request, the report prepared by City Staff and the recommendations by the Planning Commission; and

WHEREAS the City has updated the map to reflect the amended area;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, that:

SECTION 1: The Official Development District Map of the City of Huntsville, as provided in Section 2.200 of the City's Development Code, is amended and City Staff is directed to make such change.

SECTION 2: The newly amended Official Development District Map is adopted and shall supersede the prior Official Development District Map.

SECTION 3: The City Secretary is hereby directed to cause the caption of this Ordinance to be published at least twice within ten days of final passage. This ordinance shall take effect ten (10) days after the date of final passage.

PASSED AND APPROVED THIS _____ DAY OF _____ 2016

THE CITY OF HUNTSVILLE

Andy Brauning, Mayor

ATTEST:

Lee Woodward, City Secretary

APPROVED AS TO FORM:

Leonard Schneider, City Attorney

PLANNING COMMISSION

AGENDA ITEM DISCUSSION FORM

Prepared by: Aron Kulhavy, AICP, City Planner

Janet Ridley, Planner

SUBJECT: Development District Map Amendment

MEETING DATE: July 21, 2016

TYPE OF REVIEW: Development District Reclassification

LOCATION: Lots 64 & 66 of the Far Hills Addition No. Two (63 & 59 SH 75 N)

FACTS, CODE REQUIREMENTS AND CONDITIONS

The City of Huntsville Planning Commission has initiated a Development District Map Amendment for Lots 64 and 66 of the Far Hills Addition No. Two, established in 1950, from Neighborhood Conservation (NC) to Management (M). This subdivision was classified as NC in 1990 with the adoption of the first Official Zoning District Map by Ordinance 90-9. Two different applications for the development district reclassification of lots in this subdivision located to the south of the subject lots have been received since 2009. These two applications were approved and their development district classification was changed from NC to M. The Planning Commission has initiated this map amendment in order to avoid individual lot Development District Map Amendment cases for the subject lots.

There are three (3) main Development Districts in the City of Huntsville. The two districts applicable to this case are and as defined in **Section 2.300** of the *Development Code* are as follows:

2.301 Neighborhood Conservation District – *The Neighborhood Conservation (NC) district is intended to help protect property values by conserving the overall character and function of single-family (detached house) residential areas of the City. It is intended for application in stable single-family (detached house) neighborhoods.*

2.303 Management District – *The Management (M) district is the most widely applied development district classification. All land not specifically classified in another development district is included in the M district. The M district allows all land uses, subject to compliance with all other applicable regulations of this development Code.*

Should the subject property be reclassified as Management, any land use will be allowed on the subject lots per all applicable regulations pertaining to the Management District.

The lot configurations have remained as originally platted in 1950. To the east, the subject lots front and have access to SH 75 N, a primary arterial. The property located on the east side of SH 75 N is classified as M. To the south, the adjoining property is one of the subdivision lots that have been changed from NC to M. To the west and north, the adjoining property is part of the Far Hills Addition No. Two Subdivision and classified as NC.

According to **Section 12.308 Review and Approval Criteria** the following three factors are to be considered when making recommendations and decisions about development district map amendments.

12.308.A Consistency with the Comprehensive Plan.

The comprehensive plan recommends that the City's land use pattern focus on new development with existing utilities and that development patterns provide for transitions and buffering between differing land uses. It further states that residential areas should not be situated next to intense non-residential uses but that less intense residential uses may be appropriate with performance standards to mitigate any nuisance activities. However, it should be noted that the Huntsville Horizon Comprehensive plan does not have a future land use map and cannot provide specific guidance on these

12.308.B Compatibility with existing development district classifications, uses of nearby property and the character of the surrounding neighborhood.

The neighborhood and surrounding area to the west and north has developed in accordance to the original Neighborhood Conservation district established in 1990. The property to the south was reclassified as Management in 2015. Traffic on SH 75 North has increased steadily since the original development district classification and the character of the neighborhood is more diverse than before.

12.308.C Availability of water, wastewater, storm water, and transportation facilities generally suitable and adequate for use allowed under the proposed development district.

There is adequate water, wastewater and storm water infrastructure to accommodate the proposed change in the development district classification of the subject area. Commercial uses generally create more traffic than single family residential uses. In this case, the roadways in the area are adequate to handle any increase in traffic.

Adequate notice was sent to the media and surrounding property owners as required by the Development Code and State law. After a public hearing, it is the duty of the Commission to review this proposal and submit a report containing its conclusions and recommendations to the City Council on this matter.

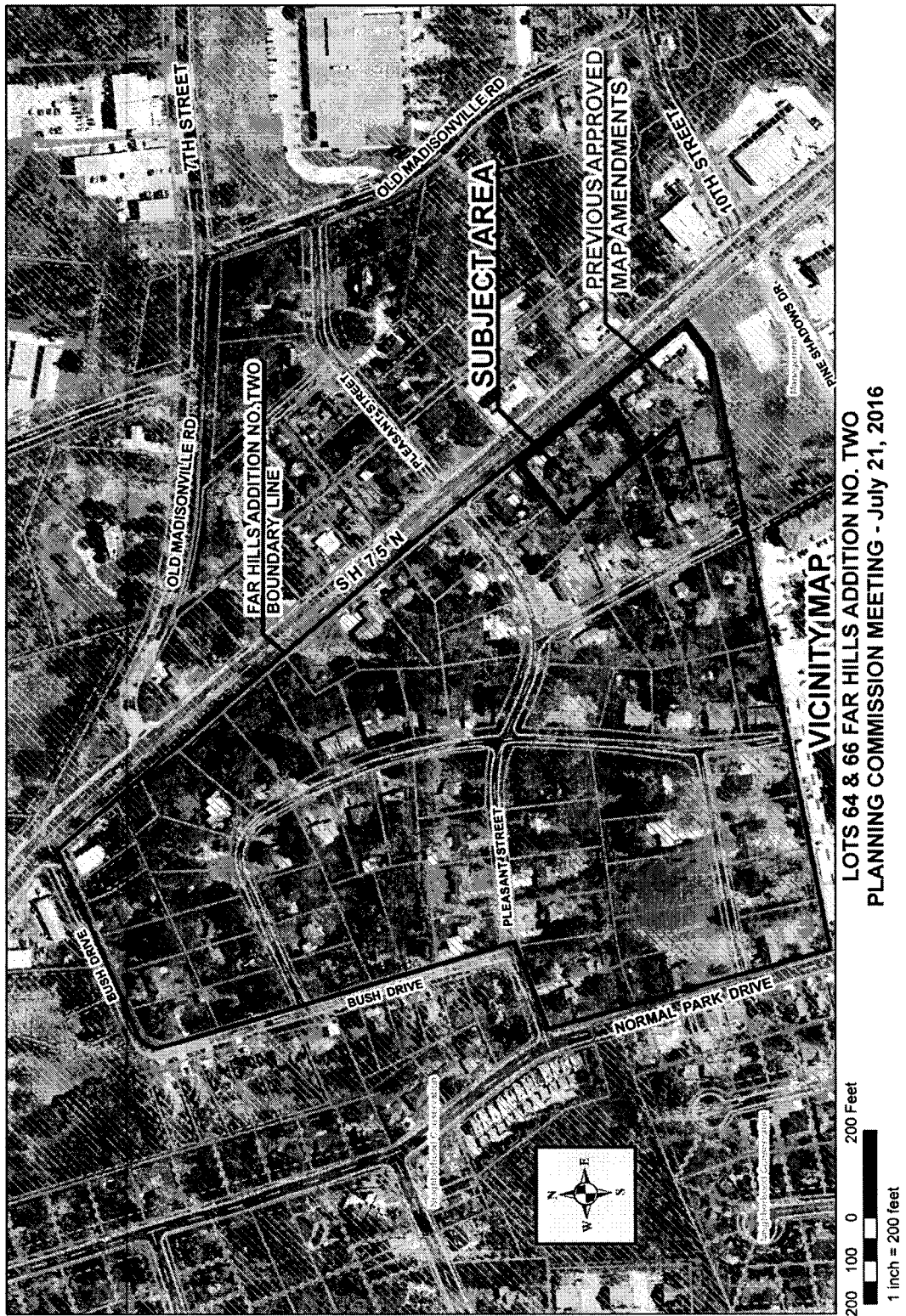
As of the date of this report, staff has not received any comments in opposition to this map amendment. There have been several calls requesting information about the case.

STAFF RECOMMENDATION:

The Comprehensive plan places an emphasis on the compatibility of differing land uses through buffering and performance mitigation between low intensity commercial and neighborhood conservation developments. At this time no specific business/commercial use has been designated for the property, however with the adoption of the updated Development Code in August 2015, Conditional Use Permit Application requiring extra scrutiny for certain designated land uses when they are located in close proximity to NC districts. With this safe-guard being in place, Staff recommends approval of this Development District Map Amendment.

ATTACHMENTS:

Vicinity map by staff



LOTS 64 & 66 FAR HILLS ADDITION NO. TWO
PLANNING COMMISSION MEETING - July 21, 2016

Excerpt from 7/21/2016 Planning Commission Minutes

6. **PUBLIC HEARING** to take testimony concerning the change in the Development District Classification of Lots 64 and 66 of Far Hills Addition, Section 2 from Neighborhood Conservation to Management.

Aron Kulhavy gave an overview of the case per the discussion form making note that there have been two re-classification cases for the lots located immediately to the south of Lot 66.

Chairman Johnston opened the Public Hearing. [6:56 PM]

There were no speakers in support of the Development District re-classification.

John Sonsel – residing at 416 Far Hills Drive, spoke in opposition to the change in the Development District Classification for the properties. He made note of the effect that the construction of the apartment project has had on the subdivision, increased noise and less privacy, and his concern with his property value. He asked what options were available to prevent the re-classification of these properties.

There were no other public comments.

Chairman Johnston closed the Public Hearing. [7:03 PM]

7. **CONSIDER** the change in the Development District Classification of Lots 64 and 66 of Far Hills Addition, Section 2 Subdivision from Neighborhood Conservation to Management.

Aron Kulhavy, making note of the *Development Code* Conditions Use Permit safeguard for certain uses, confirmed that to the best of staff's knowledge, neither lot is currently owner occupied.

Commissioner Hilton stated that the use of the lots does not change until the owners of the properties choose to do so and no one is aware of any plans to change the use of the property at this time. He feels that the highest and best use of the properties is for commercial use. **Commissioner Durda** concurred.

Commissioner Woods made a motion to recommend approval of the change in the Development District Classification of Lots 64 and 66 of Far Hills Addition, Section 2 from Neighborhood Conservation to Management. Second was by Commissioner Anderson. The vote was unanimous.



CITY COUNCIL AGENDA

8/16/2016

Agenda Item: 3c & 5c

Item/Subject: PUBLIC HEARING: Consider adoption of Ordinance 2016-38, to change the Development District Classification of Lots 1A and 3A, Block 2 of the Southwood Area of Northcrest Terrace subdivision from Neighborhood Conservation to Management, first reading.

Initiating Department/Presenter: Community & Economic Development

Presenter: Aron Kulhavy, Director, Community & Economic Development Department

Recommended Motion: None, first reading.

Strategic Initiative: Goal #3 - Economic Development - Promote and enhance a strong and diverse economy.

Discussion: The Planning Commission has initiated the Development District Map Amendment to change the development district classification for Lots 1A & 3A, Block 2, Southwood Area, Northcrest Terrace subdivision located in the 1000 Block of SH 75 N, from Neighborhood Conservation to Management. The property is located on the southern edge of a Neighborhood Conservation district with access only from SH 75 North. The adjoining property to the west was changed from Neighborhood Conservation to Management by Ordinance 2015-25 on June 2, 2015. The property to the east and south, across SH 75, is also zoned Management.

A Public Hearing and Consideration of this Development District Map Amendment case was on the agenda for the July 21, 2016, Planning Commission Meeting. At the hearing, no one spoke either in favor or against the proposed map amendment. Staff had received a few phone calls requesting information regarding the case. The owners of Lot 3A have submitted a letter in favor of the proposed map amendment. **The Commissioners voted unanimously to recommend approval of the Development District Map Amendment to change the subject property from Neighborhood Conservation to Management.** Excerpt from the minutes from the Planning Commission showing the discussion at their meeting is attached with this report.

The discussion form and other documents submitted to the Planning Commission from staff are also attached.

Previous Council Action: In June of 2015, the City Council approved a change in classification from Neighborhood Conservation to Management for a lot adjacent to the one under consideration.

Financial Implications:

☒ There is no financial impact associated with this item.

Approvals: ☒ City Attorney ☐ Director of Finance ☒ City Manager

Associated Information:

- Ordinance 2016-38 (*page 3-4*)
- Discussion form (*pages 5-7*)
- Vicinity map (*page 7*)
- Property owner letter of support (*page 8*)
- Excerpt from 7/21/2016 Planning Commission minutes (*page 9*)

ORDINANCE NO. 2016-38

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, AMENDING THE DEVELOPMENT DISTRICT MAP OF THE CITY OF HUNTSVILLE, TEXAS TO CHANGE THE DEVELOPMENT DISTRICT CLASSIFICATION FOR LOTS 1A & 3A, BLOCK 2, SOUTHWOOD AREA, NORTHCREST TERRACE SUBDIVISION LOCATED IN THE 1000 BLOCK OF SH 75 N, FROM NEIGHBORHOOD CONSERVATION TO MANAGEMENT.

WHEREAS the City Council of the City of Huntsville, Texas, has adopted an Official Development District Map and attendant regulations for the City which, in accordance with the Comprehensive Plan, was designed to control the density of population to the end that congestion may be lessened in public streets and that the public health, safety, convenience and general welfare be promoted in accordance with Chapter 211, Municipal Zoning Authority of the Texas Local Government Code; and

WHEREAS the Development Code of the City of Huntsville provides for the amendment of the Official Development Map; and

WHEREAS after public notice, the Planning Commission held a public hearing on July 21, 2016 to consider comments of the public regarding the adoption of the amendment to the Development District Map; and

WHEREAS the Planning Commission has studied and evaluated the request and the report prepared by City Staff; and

WHEREAS the Planning Commission has considered the comments of the public presented at the public hearing and has prepared a report for this Council of its conclusions and recommendations;

WHEREAS after public notice, City Council held a public hearing on August 16, 2016 and September 6, 2016 to consider comments for the public regarding the adoption of amendments to the Official Development District Map; and

WHEREAS the City Council has studied and evaluated the request, the report prepared by City Staff and the recommendations by the Planning Commission; and

WHEREAS the City has updated the map to reflect the amended area;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, that:

SECTION 1: The Official Development District Map of the City of Huntsville, as provided in Section 2.200 of the City's Development Code, is amended and City Staff is direct to make such change.

SECTION 2: The newly amended Official Development District Map is adopted and shall supersede the prior Official Development District Map.

SECTION 3: The City Secretary is hereby directed to cause the caption of this Ordinance to be published at least twice within ten days of final passage. This ordinance shall take effect ten (10) days after the date of final passage.

PASSED AND APPROVED THIS _____ DAY OF _____ 2016.

THE CITY OF HUNTSVILLE

Andy Brauning, Mayor

ATTEST:

APPROVED AS TO FORM:

Lee Woodward, City Secretary

Leonard Schneider, City Attorney



PLANNING COMMISSION AGENDA ITEM DISCUSSION FORM

Prepared by: Aron Kulhavy, AICP, City Planner

Janet Ridley, Planner

SUBJECT: Development District Map Amendment

MEETING DATE: July 21, 2016

TYPE OF REVIEW: Development District Reclassification

LOCATION: Lots 1A & 3A, Block 2, Southwood Area of Northcrest Terrace
(1000 Block of State Highway 75 N)

FACTS, CODE REQUIREMENTS AND CONDITIONS

The subject lots are located in the 1000 Block of State Highway 75 North within the city limits of Huntsville and part of the *Southwood Area, Northcrest Terrace* subdivision, which was established in 1962. The subdivision was located outside the City Limits of Huntsville in 1962, therefore the subdivision was platted and approved under the jurisdiction of the Commissioner's Court of Walker County, Texas. The subdivision was included in the area annexed by the City of Huntsville by Ordinance No. 94-33 dated September 13, 1994. Upon annexation the platted residential lots in the subdivision were classified as a Neighborhood Conservation (NC) District per Ordinance No. 95-08 dated March 21, 1995. One application for Development District Map Amendment for a lot in this subdivision was submitted in April of 2015. This application was approved and the development district classification was changed from NC to Management (M). The Planning Commission has initiated this map amendment in order to avoid individual lot Development District Map Amendment cases for the subject lots.

There are three (3) main Development Districts in the City of Huntsville. The two districts applicable to this case are defined in **Section 2.300** of the *Development Code* as follows:

2.301 Neighborhood Conservation District – *The Neighborhood Conservation (NC) district is intended to help protect property values by conserving the overall character and function of single-family (detached house) residential areas of the City. It is intended for application in stable single-family (detached house) neighborhoods.*

2.303 Management District – *The Management (M) district is the most widely applied development district classification. All land not specifically classified in another development district is included in the M district. The M district allows all land uses, subject to compliance with all other applicable regulations of this development Code.*

Should the subject property be reclassified as Management, any land use will be allowed on the subject lots per all applicable regulations pertaining to the Management District.

The two subject lots have been reconfigured per minor plats for each lot to consolidate several originally platted lots into one single lot. The two lots as currently configured only have access from SH 75 N. To the south, the subject lots front and have access to SH 75 N, a primary arterial, with the property on south side of SH 75 N being in the Management (M) district. To the west the adjoining property is the subdivision lot that was reclassified to (M). To the north the adjoining property is subdivision lots as originally platted and classified as NC. The adjoining property to the east is a Reserve tract of the subdivision which was classified as M per Ordinance No. 95-08 at time of annexation. There are deed restrictions associated with the property that may or may not affect the property in question; however, they are not enforceable by the City of Huntsville.

According to **Section 12.308 Review and Approval Criteria** the following three factors are to be considered when making recommendations and decisions about development district map amendments.

12.308.A Consistency with the Comprehensive Plan.

The comprehensive plan recommends that the City's land use pattern focus on new development with existing utilities and that development patterns provide for transitions and buffering between differing land uses. It further states that residential areas should not be situated next to intense non-residential uses but that less intense residential uses may be appropriate with performance standards to mitigate any nuisance activities. However, it should be noted that the Huntsville Horizon Comprehensive plan does not have a future land use map and cannot provide specific guidance on these particular tracts.

12.308.B Compatibility with existing development district classifications, uses of nearby property and the character of the surrounding neighborhood.

Portions of the Southwood Area of Northcrest Terrace subdivision adjacent to and including Lots 1A & 3A has not been fully built out with single family residences. Streets have not been built in the right-of-way dedicated per the plat on the east and west side of the subject property. Eleven (11) of the original subdivision lots have been consolidated into two subject lots with the only current street access being from State Highway 75 North. Only the lots in the subdivision which are located adjacent to the streets which have been built in the subdivision have developed in accordance to the original Neighborhood Conservation classification as established in 1990 and as which the subdivision was designated upon annexation in 1994. (All of the property surrounding the subdivision was designated as Management when annexed.)

12.308.C Availability of water, wastewater, storm water, and transportation facilities generally suitable and adequate for use allowed under the proposed development district.

There is adequate water, wastewater and storm water infrastructure to accommodate the proposed change in the development district classification of the subject area. Commercial uses generally create more traffic than single family residential uses. In this case, the roadways in the area are adequate to handle any increase in traffic.

Adequate notice was sent to the media and surrounding property owners as required by the Development Code and State law. After a public hearing, it is the duty of the Commission to review this proposal and submit a report containing its conclusions and recommendations to the City Council on this matter.

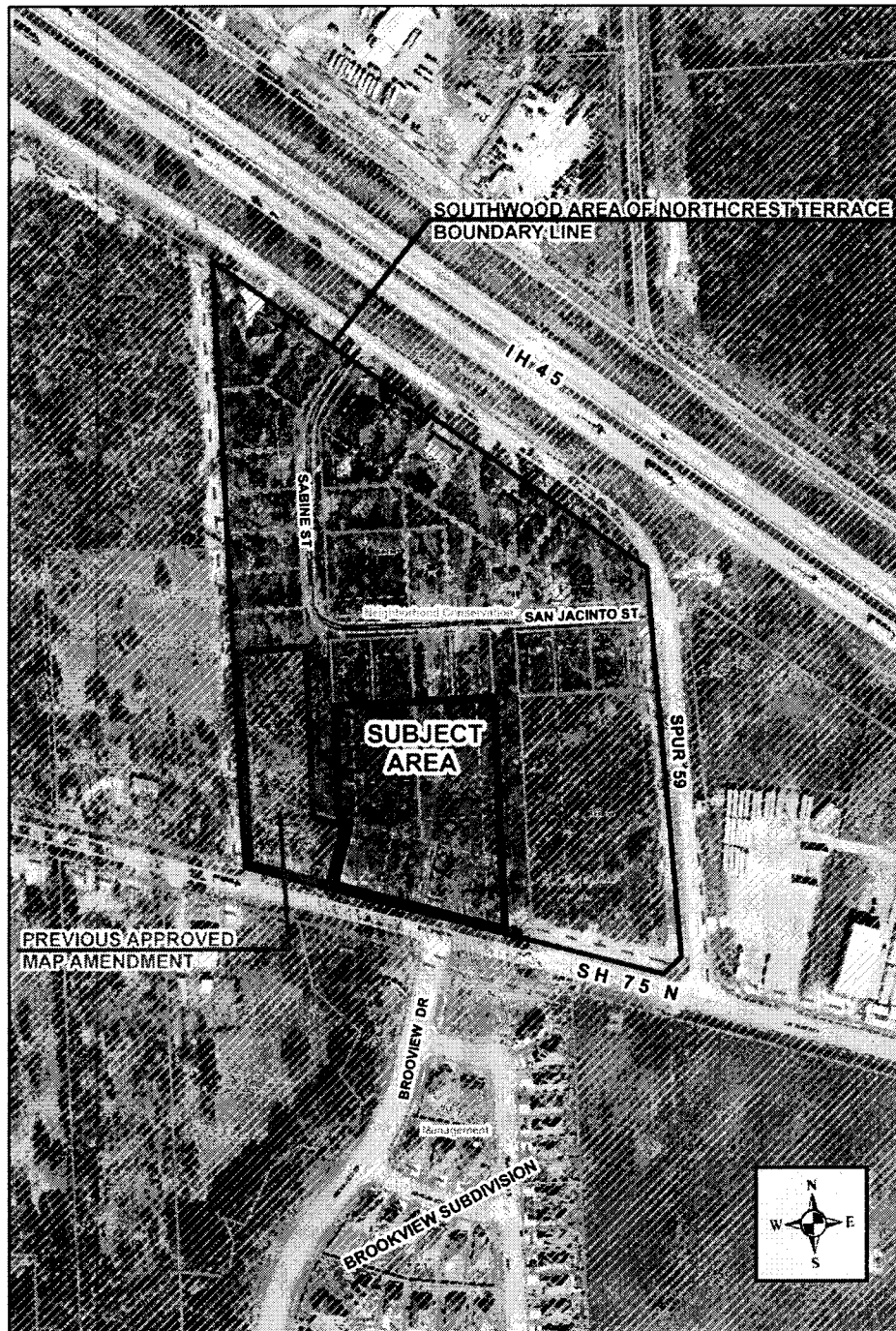
As of the date of this report, staff has not received any comments in opposition to this map amendment. There have been several calls requesting information about the case. One of the subject property owners has called in support of the reclassification.

STAFF RECOMMENDATION:

The Comprehensive plan places an emphasis on the compatibility of differing land uses through buffering and performance mitigation between low intensity commercial and neighborhood conservation developments. At this time no specific business/commercial use has been designated for the property, however with the adoption of the updated Development Code in August 2015, Conditional Use Permit Application requiring extra scrutiny for certain designated land uses when they are located in close proximity to NC districts. With this safe-guard being in place, Staff recommends approval of this Development District Map Amendment.

ATTACHMENTS:

Vicinity map by staff
Letter from Subject Property Owner



200 100 0 200 Feet
 1 inch = 200 feet

VICINITY MAP
LOTS 1A & 3A, BLOCK 2
SOUTHWOOD AREA OF NORTHCREST TERRACE
PLANNING COMMISSION MEETING - July 21, 2016

Margaret Elizabeth Lindsey
2330 Summit Ridge Drive
San Marcos, TX 78666

Beverly Diane Quisenberry
4804 Gulfway
Baytown, TX 77521

July 7, 2016

Janet Ridley, Planner
City of Huntsville
448 Highway 75 North
Huntsville, TX 77320

RE: Public Hearing Notice for Change in Development District Classification Lots
1A and 3A, Block 2, Southwood Area of Northcrest Terrace Subdivision

Dear Ms. Ridley:

This letter is a follow-up to your communiqué dated July 1, 2016 regarding the upcoming public hearing involving zoning changes for lots 1A and 3A, Block 2, Southwood Area of Northcrest Terrace Subdivision, Huntsville, TX. As co-owners of Lot 3A, we have discussed the proposed change and concur with the Planning Commission's recommendation to reclassify it from "Neighborhood Conservation" to "Management" status.

Neither of us will be able to attend the July 21 public hearing, but we appreciate your consideration and offer to give testimony. Please share the contents of this document with Commissioners and let it serve as our voice at the hearing.

We hope that the plan to reclassify the land use moves forward according to schedule. Please keep us informed about the proposed changes and let us know if we need to take further action.

Sincerely,

Margaret E. Lindsey
Margaret Elizabeth Lindsey, Trustee
Margaret Elizabeth Lindsey Trust
U/W Fred A. Bobbitt

Beverly D. Quisenberry
Beverly Diane Quisenberry, Trustee
Beverly Diane Quisenberry Trust

RECEIVED
7-13-16
JR

Excerpt from 7/21/2016 Planning Commission Minutes

8. **PUBLIC HEARING** to take testimony concerning the change in the Development District Classification of Lots 1A and 3A, Block 2 of the Southwood Area of Northcrest Terrace Subdivision from Neighborhood Conservation to Management.

Aron Kulhavy gave an overview of the case per the staff discussion form noting that there has been one recent case to re-classify adjacent property in the subdivision. This property was also identified for re-classification to avoid "piece meal" re-classification cases. Staff has received a letter from the owners of Lot 3A in support of the re-classification of their property.

Chairman Johnston opened the Public Hearing. [7:09 PM]

There were no speakers in support or in opposition to the change in Development District classification for these lots.

Chairman Johnston closed the Public Hearing. [7:10 PM]

9. **CONSIDER** the change in the Development District Classification of Lots 1A and 3A, Block 2 of the Southwood Area of Northcrest Terrace Subdivision from Neighborhood Conservation to Management.

Commission Hilton stated that the change in classification is appropriate.

Commissioner Hilton made a motion to recommend approval of the change in the Development District Classification from Neighborhood Conservation to Management. Second was by Commissioner Barry. The vote was unanimous.



CITY COUNCIL AGENDA

8/16/2016

Agenda Item: 3d & 5d

Item/Subject: PUBLIC HEARING: Consider adoption of Ordinance 2016-39, to change the Development District Classification of Blocks 1, 2, 3 and & 7 of the G. A. White Subdivision from Neighborhood Conservation to Management.

Initiating Department/Presenter: Community & Economic Development

Presenter: Aron Kulhavy, Director, Community & Economic Development Department

Recommended Motion: None, first reading.

Strategic Initiative: Goal #3 - Economic Development - Promote and enhance a strong and diverse economy.

Discussion: The Planning Commission has initiated the Development District Map Amendment to change the development district classification for Blocks 1, 2, 3 and & 7 of the G. A. White Subdivision from Neighborhood Conservation to Management. The property is located on the southern edge of a Neighborhood Conservation district, the southern boundary of which is the north right-of-way line of 11th Street. The adjoining property to the south across 11th street is Management District. The property to the east, across Normal Park Drive and to the west, across Hickory Drive, is also designated as Management District.

A public hearing and consideration of this Development District Map Amendment case was on the agenda for the July 21, 2016, Planning Commission meeting. The Commissioners voted unanimously to recommend approval of the Development Map Amendment to change the subject property from Neighborhood Conservation to Management. Minutes from the Planning Commission showing the discussion at their meeting are attached with this agenda item.

A petition in opposition to the proposed change in classification from Neighborhood Conservation to Management presented at the Planning Commission hearing is attached. Per the Development Code, if a petition in opposition to the request is signed by 20% of the property owners in or within 200' of the area under consideration, a favorable vote of 75% of the Council members qualified to vote on the matter is required to approve the request. As of the date this report was prepared, the petition falls just short of meeting this threshold.

The discussion form and other documents submitted to the Planning Commission from staff are attached, along with the opposition petition.

Previous Council Action: In the fall of 2012, the Council held a public hearing and first reading on a request to rezone from Neighborhood Conservation to Management a portion of the property covered under this hearing. The case in 2012 was initiated by an application from property owners and only covered a portion of the land under consideration at this time. Before the Council took action, the applicant withdrew the request.

Financial Implications:

☒ There is no financial impact associated with this item.

Approvals:

☒ City Attorney

☐ Director of Finance

☒ City Manager

Associated Information:

- Ordinance 2016-39 (page 3-4)
- Discussion form (page 5-8)
- Area map (page 9)
- Goals 2.1 and 2.3 of the 2007 Huntsville Horizon Comprehensive Plan Goals (page 10-15)
- May 9, 2016 Affidavit Regarding Amendment to Restrictions (page 16-26)
- Excerpt from 7/21/2016 Planning Commission minutes (page 27-30)
- Opposition petition (page 31-35)

ORDINANCE NO. 2016-39

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HUNTSVILLE, TEXAS TO CHANGE THE DEVELOPMENT DISTRICT CLASSIFICATION FOR BLOCKS 1, 2, 3 AND 7 OF THE G. A. WHITE SUBDIVISION, FROM NEIGHBORHOOD CONSERVATION TO MANAGEMENT.

WHEREAS the City Council of the City of Huntsville, Texas, has adopted an Official Development District Map and attendant regulations for the City which, in accordance with the Comprehensive Plan, was designed to control the density of population to the end that congestion may be lessened in public streets and that the public health, safety, convenience and general welfare be promoted in accordance with Chapter 211, Municipal Zoning Authority of the Texas Local Government Code; and

WHEREAS the Development Code of the City of Huntsville provides for the amendment of the Official Development District Map; and

WHEREAS after public notice, the Planning Commission held a public hearing on July 21, 2016 to consider comments of the public regarding the adoption of amendments to the Official Development District Map; and

WHEREAS the Planning Commission has studied and evaluated the request and the report prepared by City Staff; and

WHEREAS the Planning Commission has considered the comments of the public presented at that public hearing and has prepared a report for this Council of its conclusions and recommendations;

WHEREAS after public notice, City Council held a public hearing on August 16, 2016 and September 6, 2016 to consider comments of the public regarding the adoption of amendments to the Official Development District Map; and

WHEREAS the City Council has studied and evaluated the request, the report prepared by City Staff and the recommendations by the Planning Commission; and

WHEREAS the City has updated the map to reflect the amended area;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, that:

SECTION 1: The Official Development District Map of the City of Huntsville, as provided in Section 2.200 of the City's Development Code, is amended and City Staff is directed to make such change.

SECTION 2: The newly amended Official Development District Map is adopted and shall supersede the prior Official Development District Map.

SECTION 3: The City Secretary is hereby directed to cause the caption of this Ordinance to be published at least twice within ten days of final passage. This ordinance shall take effect ten (10) days after the date of final passage.

PASSED AND APPROVED THIS _____ DAY OF _____ 2016.

THE CITY OF HUNTSVILLE

Andy Brauning, Mayor

ATTEST:

Lee Woodward, City Secretary

APPROVED AS TO FORM:

Leonard Schneider, City Attorney

PLANNING COMMISSION

AGENDA ITEM DISCUSSION FORM

Prepared by: Aron Kulhavy, AICP, City Planner

Janet Ridley, Planner

SUBJECT: Development District Map Amendment

MEETING DATE: July 21, 2016

TYPE OF REVIEW: Development District Reclassification

LOCATION: Blocks 1, 2, 3 & 7 of the G. A. White Subdivision

FACTS, CODE REQUIREMENTS AND CONDITIONS

The City of Huntsville Planning Commission has initiated a Development District Map Amendment for Blocks 1, 2, 3 and 7 of the G.A. White Subdivision from Neighborhood Conservation (NC) to Management (M). An application for the reclassification of **Block 3** of the G. A. White Subdivision was brought to the Planning and Zoning Commission (P&Z) by property owner on October 18, 2012. P&Z voted 3 to 1 to recommend denial of the request to reclassify the property based upon the fact that deed restrictions existed on the property limiting its use to single family residential uses only. The Council held a public hearing and first reading on this issue; however, the applicant withdrew the application prior to the City Council consideration of the request. The P&Z held a Public Hearing for a request to reclassify a portion of **Block 7** from NC to M on December 1, 1997. The request was withdrawn after P&Z voted to prepare a recommendation to deny the request.

The subject property is bordered by 11th Street, Hickory Drive, Cedar Drive, Pecan Drive, Bois D Arc Drive and Normal Park Drive within the city limits of Huntsville in the G.A. White Subdivision, which was established in 1945. This subdivision was classified as NC by Ordinance 90-9, adoption of the first Official Zoning District Map. All of Blocks 1, 2, 3 and 7, with the exception of the property addressed as 1022 Normal Park Drive located at the northwest intersection of 11th Street and Normal Park Drive, are included in the subject property area.

Amended Deed Restrictions have recently been filed and recorded with the Walker County Clerk that allow for the non-residential use of the subject property. These amended deed restrictions favorably support the reclassification of the subject property to the Management development district. However, the City of Huntsville cannot and does not enforce any deed restrictions.

There are three (3) main Development Districts in the City of Huntsville. The two districts applicable to this case are and as defined in **Section 2.300** of the *Development Code* are as follows:

2.301 Neighborhood Conservation District – *The Neighborhood Conservation (NC) district is intended to help protect property values by conserving the overall character and function of single-family (detached house) residential areas of the City. It is intended for application in stable single-family (detached house) neighborhoods.*

2.303 Management District – The Management (M) district is the most widely applied development district classification. All land not specifically classified in another development district is included in the M district. The M district allows all land uses, subject to compliance with all other applicable regulations of this development Code.

Should the subject property be reclassified as Management, any land use will be allowed on the subject lots per all applicable regulations pertaining to the Management District.

According to **Section 12.308 Review and Approval Criteria** the following three factors are to be considered when making recommendations and decisions about development district map amendments.

12.308.A Consistency with the Comprehensive Plan.

Chapter 2 of the Huntsville Horizon Plan addresses land use and community character. Goal 2.1 states that the City should pursue well managed growth that is fiscally responsible. Goal 2.3 states that there should be a balance of new growth and redevelopment within Huntsville. Both of these goals have several action items under them that should be reviewed by the Commission in the consideration of this case.

In addition the Comprehensive Plan states that new development or redevelopment in developed areas should maintain compatibility with existing uses and the prevailing land use pattern in the area. The adjacent area is used as a mixture of commercial and multifamily residential to the south, west, and east of the property and low density, mixed residential to the north.

Also, Development District Map Amendments should be consistent with a future land use map that identifies the ideal use for properties within the community. As Huntsville has not adopted a future land use map, no guidance on this factor can be given at this time.

12.308.B Compatibility with existing development district classifications, uses of nearby property and the character of the surrounding neighborhood.

The neighborhood and surrounding area has developed in accordance to the original established development districts. However, there has been a transition from owner-occupied to rental houses in the area. In addition, traffic on 11th Street, Hickory Drive and Normal Park Drive has increased significantly changing the character of those properties that front on these streets from that of residential to one of commercial. A commercial use is more compatible for the properties fronting on these streets. Also the properties located across these streets from the subject area are designated as Management district, allowing for multi-family and commercial uses.

There is no why to know what non-residential land use(s) may transpire in the subject area if the area is reclassified. Therefore it is difficult to determine the effect there may be on the neighborhood located to the north of the subject area.

12.308.C *Availability of water, wastewater, storm water, and transportation facilities generally suitable and adequate for use allowed under the proposed development district.*

There is adequate water, wastewater and storm water infrastructure to accommodate the proposed change in the development district classification of the subject area. The subject area is bounded by a primary arterial street on the south and a collector street on the east.

There have been two similar requests for redistricting in the vicinity since the original designation of Neighborhood Conservation was placed on this property in the early 1990s. Although both of these requests were withdrawn before final consideration, they were presented to the Planning and Zoning Commission for discussion. One concern mentioned during these discussions was that of spot zoning. That is not a factor in this case as entire blocks are under consideration for redistricting and will affect all property owners in the block. The other concerns and discussions focused on the same items discussed above.

Since Development Map Amendment changes are infrequently considered by the Commission, a couple of pertinent factors must be addressed. First, development district reclassification cannot be granted with conditions. Since there are limited development districts within Huntsville, the property can either be classified as Neighborhood Conservation or Management with all requirements of the Development Code for the given district governing how the property is developed. Second, the section below outlines a procedural aspect that may be applicable to this case:

Section 12.307.A of the Development Code states:

If a valid protest petition is filed against any proposed development district map amendment, passage of the amendment requires a favorable vote of at least 75% of the City Council members who are qualified to vote on the matter.

Adequate notice was sent to the media and surrounding property owners as required by the Development Code and State law. After a public hearing, it is the duty of the Commission to review this proposal and submit a report containing its conclusions and recommendations to the City Council on this matter.

As of the date of this report, staff has not received any comments in opposition to this map amendment. There have been several calls requesting information about the case.

STAFF RECOMMENDATION:

While not enforceable by the City, the recently filed amended deed restrictions to allow for non-residential uses on the property in the subject area may be a factor to be considered when making a recommendation on this case. A blanket change in development district classification to Management will allow for a number of non-residential land uses which may negatively impact the surrounding residential uses even though separated by streets.

There have been changes to the neighborhood character in the surrounding area as most properties within the immediate vicinity are either rental properties or used for commercial purposes. In addition, there is adequate infrastructure in place to allow for development of this property for uses allowed in the Management District.

It is evident that because of the high amount of traffic on 11th street, that the properties that front this street are not ideal for single family residential purposes. Because of the nature of the property in consideration, being bounded on three sides by an arterial and collector streets, the availability of infrastructure to the property, and the change in the immediate area since the

original designation of Neighborhood Conservation to the property, staff recommends approval of this request.

ATTACHMENTS:

Map of Area

Goals 2.1 and 2.3 of the 2007 Huntsville Horizon Comprehensive Plan

Amended Deed Restrictions dated May 9, 2016



VICINITY MAP

BLOCKS 1, 2, 3 & 7 OF G. A. WHITE SUBDIVISION
PLANNING COMMISSION MEETING - July 21, 2016

Huntsville's economic well-being and outlook, some in the community perceive that Huntsville's appearance hurts its growth potential. They wish to see the community re-assert its desire for wide-ranging resource protection, including preservation and enhancement of forested areas, local creeks and waterways, and the natural landscape, as these elements clearly contribute to community character. In addition to aesthetic enhancements such as those described above, the quality of individual developments helps to shape character. The bulk and scale of buildings, placement of parking on a site in relation to the street right-of-way, amount of landscape surface and preserved vegetation relative to impervious surface, and the location and appearance of storage and service areas are all factors that contribute to the character of individual sites and collectively to the overall character of the community.

As discussed previously, the question once again is how far Huntsville is willing to go with regulation, particularly for primarily aesthetic reasons – but ultimately for bottom-line economic reasons?

GOALS, OBJECTIVES, AND ACTION RECOMMENDATIONS

The following goals, objectives and recommended actions were formulated to specifically address the issues and needs outlined above, which were culled from extensive community input as well as deliberations of the Comprehensive Plan Advisory Committee. The goals reflect the overall vision of the community, which may be achieved through the objectives and by acting on the recommendations. It is important to note that these are also general statements of policy that may be cited when approving or denying development proposals and used in making important community investment decisions regarding the provision and timing of facilities and services.

GOAL 2.1: Well-managed growth that is fiscally responsible.

- ♦ *Create and implement effective controls for managing incompatible land uses based upon their character, intensities and impacts on adjacent and nearby uses.*
- 1. Continue to build upon the City's existing Development Code, which already integrates zoning, subdividing, buffering, landscaping, parking/loading, signs and various other development-related regulations and standards into a Unified Development Ordinance (UDO) format, which many other cities have only recently done or are still hoping to accomplish.
- 2. In all review and decision processes covered by the Development Code, include decision criteria for use by the Planning & Zoning Commission and City Council allowing consideration of a multitude of factors, such as the suitability of the use for the property, land uses and character within the surrounding neighborhood, and the extent to which the proposed use is in harmony with or would detrimentally affect adjacent and nearby uses.

- ♦ *Manage the pattern of development concurrent with the provision of adequate public facilities and services through a combination of incentives and regulations.*
- 3. Incorporate concurrent requirements into the Development Code and the City's utility extension policies, thereby tying land development to concurrent provision of adequate public facilities and services. This is intended to avoid premature urbanization in fringe areas and development outcomes that will cause problems for residents and the City at a later date due to substandard infrastructure and improvements.
- 4. In accordance with Chapter 43, Municipal Annexation, of the Texas Local Government Code, prepare and adopt a municipal annexation plan "that specifically identifies annexations that may occur beginning on the third anniversary of the date the annexation plan is adopted." As required by law, the City must provide full municipal services within two-and-one-half years after the effective date of the annexation, subject to potential time extensions. This planning process would enable the City to gauge its annexation capacity and desired timing. The resulting three-year plan and associated service planning and public hearings would also communicate to property owners and others the City's future intentions regarding growth management (through extension of municipal ordinances) and orderly extension of services.
- 5. Work with Sam Houston State University and interested private landowners and developers toward a potential clustering concept for future off-campus student housing in suitable locations with available and appropriate land, necessary infrastructure and street access, and proximity to recreation and services. This development pattern could more readily be served by transit, would attract complimentary retail and service businesses, and could result in a more unified, master-planned outcome, benefiting both the university and the community.

GOAL 2.2: Development patterns that promote economic vitality.

- ♦ *Continue to employ performance-based development regulations that provide flexibility for compliance and are more effective in meeting community objectives.*
- 1. Continue to allow a range of development options on individual properties with the use of performance standards to require compatibility for adjacent uses exhibiting varying use intensities. This permits a mixture of land uses subject to integrated design and compatibility standards.
- 2. Review the City's current buffering and landscaping provisions in Chapter 12 of the Development Code, including minimum standards and incentive mechanisms for tree preservation and surplus site landscaping, to

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20. Create a distinct identity for Downtown, including forming an identifiable physical edge to the district with monuments and gateway treatments at the entries from each direction (particularly along 11th Street and Sam Houston Avenue), along with further investment in unifying design elements, such as unique signage and banners, landscaping, decorative lighting, street and sidewalk/crosswalk patterns, and other unique urban design treatments. Also, improve the pedestrian atmosphere with traffic calming measures; street furniture and public art displays; way-finding signage and informational kiosks; public plazas and green spaces; sidewalk cafes and outdoor activity areas; and street vendors.

GOAL 2.3: A balance of new growth and careful redevelopment within Huntsville.

- ♦ *Pursue available mechanisms, within the Texas statutory context, for better managing fringe growth and development around Huntsville.*
 1. A neighborhood conservation district should be used for existing development in fringe areas, which would allow its continued existence as a conforming use.
 2. Evaluate factors contributing to the extent of housing development occurring in peripheral unincorporated areas. Create in-city development incentives to counter the advantages for locating outside the city limits.
- ♦ *Take steps to protect established neighborhoods in Huntsville and to stabilize and reinvigorate older neighborhoods that have experienced some decline.*
 3. Conduct a detailed land use and zoning study to define the boundaries distinguishing proposed new neighborhood conservation districts in Huntsville. New districts can be established through those neighborhoods with existing deed restrictions and homeowners associations or other distinguishing characteristics. Distinguishing factors could include street and block pattern, lot size, housing style/design, street or alley access, floor area ratio, and landscape volume.
 4. Adopt policies and standards within the Development Code for preserving the integrity and character of established neighborhoods, including compatibility provisions relating to the type and construction of infill housing and other uses on vacant lots. Also consider expanding the range of permitted uses within neighborhood conservation districts (Development Code Section 402.3) to include complimentary non-residential uses such as small-scale neighborhood commercial and office uses that add character, convenience and vitality to a neighborhood.
 5. Create site design and building standards for multiple-family developments to ensure compatibility with abutting uses, including

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consideration for varying building heights, similar roof pitch and composition, increased setbacks along shared boundaries, locations of ingress/egress, and adequate buffering and screening.

6. Improve the walkability of neighborhoods through installation of sidewalks concurrent with all new development, plus rehabilitation or construction of sidewalks in older neighborhoods, particularly adjacent to schools and parks. The Development Code should also require public access easements within and between developments to provide connections to public parks, natural areas and open spaces, and an eventual community trail system.
7. Identify areas of the community that are experiencing or at risk to experience particularly high levels of disinvestment and deterioration, and provide both technical and administrative assistance to aid in redevelopment efforts. Coordinate with area property owners to identify and prioritize needed infrastructure improvements funded by a target-area capital investment program.
8. Incorporate into the Development Code provisions allowing relief of specified standards that may prevent or add difficulty to the redevelopment process, so long as certain precautions and criteria can be met. These provisions may apply community-wide or within specified boundaries. Common constraints to redevelopment include problems with property ownership and clear title, assembly of numerous small lots into a feasible development site, site access and circulation, limited areas for parking and loading, nonconforming setbacks, and on-site drainage requirements. Certain development-related standards within the Development Code may be acceptable for variations so as not to overburden areas with longstanding redevelopment needs. An incentive-based approach may also be incorporated to encourage investors and developers to tackle the common redevelopment constraints of disadvantaged areas.
9. Develop a municipal grant program for the rehabilitation of substandard housing units using government-funded programs while also leveraging the value of public dollars with private resources, such as financing institutions and foundation funds. Furthermore, establish an education and awareness program to inform persons with limited income about various programs available for rehabilitation assistance.
10. Utilize Community Development Block Grant (CDBG) funds to leverage the amount of reinvestment and to implement projects and programs, such as infrastructure repair, park development or improvement, or removal of unsafe structures, aiming to eliminate blight and improve neighborhood conditions in areas of low to moderate income.
11. Assist residents of older areas with formation of official neighborhood organizations. City staff or legal volunteers may offer assistance in drafting deed restrictions that may be adopted by individual neighborhood

associations to restrict and enforce certain uses and conditions. Participation in neighborhood improvement and revitalization efforts may also be initiated by churches, civic organizations, schools and businesses through programs such as neighborhood clean-up, home improvement, and beautification.

12. Create a pro-active program for handling the condemnation, demolition and/or rehabilitation of substandard structures and underdeveloped property. Revise local health, building and development codes, as needed, to streamline the process for addressing unsafe or dilapidated structures and other potential health and safety risks, such as inoperable vehicles, weeds and heavy trash, and overgrown sites and run-down structures used for criminal activity.
 13. Establish a pro-active code enforcement program that first offers helpful assistance to property owners in complying with municipal codes rather than a punitive approach.
 14. Create incentives such as permit streamlining, fee waivers, tax deferral and infrastructure cost-sharing for builders and organizations that provide infill construction on vacant lots or parcels in a manner that compliments the surrounding neighborhood. To ensure consistency and compatibility of infill units, establish design guidelines that address building materials, roof pitch, façade treatment, porches, proportional dimensions, and other elements to ensure that new development and rehabilitation maintains or enhances neighborhood character.
 15. Assist in creation of Community Development Corporations (CDCs) that, as nonprofit organizations, can implement neighborhood revitalization projects and programs. Consider the necessity of developing specialized CDCs, such as a Community Housing Development Organization (CHDO), to best address housing issues.
- ♦ *Broaden the range of housing types and price diversity to meet the affordability needs of the population.*
16. Work with local lenders to form low interest loan pools to be used for housing rehabilitation.
 17. Incorporate an inclusionary housing provision, with density bonuses where the housing is subsidized by a state or federal, affordable or low- and moderate-income housing program. Establish proportional limitations based upon the total number of units in the development, e.g. no more than 30 percent for a development of 50 to 199 units.
 18. Include a provision of market housing whereby a percentage of the units are reduced in price to make them more affordable than the average market units. Require demonstration that the bonus density is used to lower the costs of land and infrastructure. Establish criteria regarding

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Industrialized housing is a residential structure that is constructed in one or more modules built off-site and erected on a permanent foundation system.



Development clustering – as an innovative subdivision design technique – allows conservation of sensitive environment resources and preservation of valuable open space while maintaining an equivalent development density.

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similar design and finishes of affordable units.

19. Allow accessory units within residential district(s), which are exempt when determining the allowable density in the district. Add ordinance provisions specifying the maximum allowable floor area as a percentage of the floor area of the principal unit or as a percentage of the overall lot area. Design standards are also necessary to ensure compatibility with adjacent structures.
20. Develop standards for the provision of small family units for seniors, individuals, or new families with no more than two people. Greatly reduced lot areas per unit may be allowed with floor area ratios and spacing standards. Require issuance of an annual permit to allow regular inspection for program compliance.
21. Establish standards for industrialized housing, including a value equal to or greater than the median taxable value of each single-family dwelling within 500 feet; requiring exterior siding, roofing, roof pitch, foundation fascia, and fenestration (design and position of windows in a building) compatible with other dwellings; and requiring compliance with all applicable dimensional requirements.

GOAL 2.4: Development and resource protection outcomes that preserve and bolster community character.

- ♦ *Use the community's official zoning map and associated regulations to encourage development practices and outcomes more consistent with Huntsville's desired character.*
1. Incorporate provisions in the Development Code, such as Planned Unit Development, that would permit and encourage alternative subdivision design in appropriate areas, including development clustering (30 percent open space), conservation development (50 percent open space), and preservation development (80 percent open space). This approach allows the developer and landowner an equivalent (or higher) development yield in terms of gross units per acre. But the development is concentrated in a smaller area of the site rather than spread across the site as would occur through a conventional design. This is accomplished through smaller lot sizes, reduced building setbacks, increased floor area ratios, and added flexibility in other standards in exchange for setting aside more open space and preserving natural areas such as floodplains, wetlands, creek buffers and forested areas. In other words, resource preservation (or any other defined performance standard) is rewarded with incentives – or bonuses – allowing an equivalent development density (a site capacity calculation may be incorporated into the requirements to allow for adjustments in development intensity based on actual site conditions). The outcome is development that maintains its efficiency, thereby meeting the objectives of the developer and

ADOPTED 4/10/2007; AMENDED 11/12/2009 and 6/15/2010

AFFIDAVIT REGARDING AMENDMENT TO RESTRICTIONS

THE STATE OF TEXAS §
COUNTY OF WALKER §

On this the 9 day of MAY, 2016, before me, the undersigned notary public, personally appeared **Robert McCaffety**, known to me to be a credible person of lawful age, who being duly sworn, on oath deposes and says:

"My name is Robert McCaffety and my address is 1711 Sycamore Avenue, Huntsville, Texas 77340.

"I am a member of MRE Investment Properties, LLC, a Texas limited liability company ("MRE") which owns six (6) lots in the G.A. White Subdivision located in Huntsville, Walker County, Texas ("Subdivision"). I have the authority to sign this Affidavit on behalf of MRE."

"The Restrictions of the Subdivision require 'a vote of a majority of the then owners of the lots' in order to change, in whole or in part, the covenants contained in the Restrictions."

"The owners of 52.50% of the lots in the Subdivision have voted in favor of amending the Restrictions of the Subdivision in order to allow business and commercial development on certain lots in the Subdivision, as evidenced by the 'Amendment to Restrictions' document attached hereto."

"The affirmative vote of owners of 52.50% of the lots in the Subdivision is evidenced by the signatures attached to the 'Amendment to Restrictions' document attached hereto."

"I have personal knowledge of the matters set forth herein."

"This Affidavit is to be recorded in the real property records of Walker County, Texas."

"The 'Amendment to Restrictions' document attached hereto is effective upon recordation in the real property records of Walker County, Texas."

"Further Affiant saith not."

Robert McCaffety

SWORN TO AND SUBSCRIBED before me on the 9th day of May, 2016, by Robert McCaffety, Member of MRE Investment Properties, LLC, a Texas limited liability company.

Paula Rene Bravo
Notary Public, State of Texas

STATE OF TEXAS
COUNTY OF WALKER

This instrument was acknowledged before me on May 9th, 2016, by Robert McCaffety, Member of MRE Investment Properties, LLC, a Texas limited liability company.

Paula Rene Bravo
Notary Public, State of Texas

26258: Affidavit_McCaffety v2.docx

Page 1

Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any or all of the following information from this instrument before it is filed for record in the public records: Your social security number or your driver's license number.

AMENDMENT TO RESTRICTIONS
FOR
G.A. WHITE SUBDIVISION
HUNTSVILLE, WALKER COUNTY, TEXAS

- A. WHEREAS, the subdivision referred to as "G.A. White Subdivision" was created by Plat recorded in Volume 112, Page 29, Deed Records of Walker County, Texas and amended in Volume 151, Page 67, Deed Records of Walker County, Texas, a copy of which is attached hereto as **Exhibit "A"**; and
- B. WHEREAS, G.A. White Subdivision is inclusive of Block One, Lots 1 through 9, Block Two, Lots 1 through 9, Block Three, Lots 1 through 8, Block Four, Lots 1 through 5, Block Five, Lots 1 through 7, Block Six, Lots 1 through 5, Block Seven, Lots 1 through 6, and Block Eight, Lots 1 through 6 (collectively the "**Subdivision**"); and
- C. WHEREAS, the Subdivision was made subject to restrictive covenants recorded in Volume 143, Page 329 of the Deed Records, Walker County, Texas (hereinafter "**the Restrictions**"); and
- D. WHEREAS, the Restrictions require "a vote of a majority of the then owners of the lots" in order to change, in whole or in part, the covenants contained in the Restrictions; and
- E. WHEREAS, the total number of lots represented by the owners of the Subdivision is sixty (60), as evidenced by the Walker County Appraisal District map of the Subdivision attached hereto as **Exhibit "B"**; and
- F. WHEREAS, the owners of a total of **31.5 lots**, or **52.50%** of the total number of lots, voted in favor of this proposed Amendment; and
- G. WHEREAS, each owner voting in favor of this proposed Amendment has executed a signature page before a notary approving this Amendment, which signature pages are attached hereto as **Exhibit "C"**.

NOW, THEREFORE, it being the intent of the owners of the lots to allow business and commercial development on certain lots in the Subdivision, and in order to further enhance the development of the Subdivision, the owners by their signatures attached hereto do hereby amend certain terms and conditions contained in the Restrictions as follows:

- 1. Provision (A) of the Restrictions is hereby amended in its entirety to read as follows:
 - *(A)(1) Lots in the subdivision shall be known and described as either Residential Lots or Mixed Residential/Non-Residential Lots.
 - (A)(2) Residential Lots shall be used for residential purposes only. No structures shall be erected, altered, placed or permitted to remain on any Residential Lot other

than one detached single-family dwelling or one dwelling not to exceed two and one-half stories in height, and each Residential Lot may contain a private garage for not more than two cars, said garage not to be used for residential purposes.

The following lots shall be designated as Residential Lots: Block 8, Lots 1-6 (collectively the "**Residential Lots**").

(A)(3) Mixed Residential/Non-Residential Lots shall be used as either Residential Lots, or Non-Residential Lots. Non-Residential Lots shall be used for any business or non-residential "allowable use" as that term is defined from time to time in the City of Huntsville Development Code, except as herein provided.

The following lots shall be designated as Mixed Residential/Non-Residential Lots: Block 1, Lots 1-9; Block 2, Lots 1-10; Block 3, Lots 1-8; Block 4, Lots 1-5; Block 5, Lots 1-7; Block 6, Lots 1-5; and Block 7, Lots 1-6 (collectively the "**Mixed Residential/Non-residential Lots**")."

2. Provisions (B), (C), (E), (F), and (G) of the Restrictions shall remain effective as to Residential Lots only.
3. Provision (D) of the Restrictions shall be amended and replaced in its entirety as follows:

"(D)(1) Residential Lot Use Restrictions. No noxious or offensive trade or activity shall be carried on upon any Residential Lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

(D)(2) Non-Residential Lot Use Restrictions. The following shall be prohibited activities on all Non-Residential Lots:

- a. any activity that is in violation of any law, code, ordinance, zoning ordinance or condition or governmental rule or regulation;
- b. any dumping of rubbish;
- c. the operation of a business based primarily upon materials or performances that depict, describe, or relate to sexual activities, anatomical areas, or nudity (including but not limited to adult arcades, adult bookstores, adult cabarets, and adult theaters);
- d. drilling for oil, gas, or other hydrocarbons or mineral extraction of any kind or character;
- e. mini-storage or warehouse uses (other than interior storage incidental to a permitted use);
- f. movie theaters containing more than one screen;
- g. bowling alleys;
- h. casinos or other gambling facilities;
- i. skating rinks;
- j. industrial/manufacturing activities; provided, however, that the operation of a convenience store or retail location for the sale of motor fuel or any other substance that currently, or may in the future, propel (or recharge) a motor vehicle shall not be deemed to violate this prohibition.

4. This Amendment may be executed in multiple counterparts.

	Bk	Vol	Pg
00020689	OR	1220	333

5. This Amendment to Restrictions for G.A. White Subdivision shall be effective as of the date recorded in the Official Records of Walker County, Texas.

Exhibit "A"

v. 157 P. 67

Charles E. Shriver, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office this 20th day of April, 1955.

(Seal)

~~/s/ Harriet D. Schaefer~~
~~Notary Public, Harris County, Texas.~~

Filed for record on May 9, 1955 at 2:10 P.M.

Recorded on May 9, 1955 at 4:45 P.M.

BY ~~Mary L. Schaefer~~ DEPUTY J. L. FERGUSON, CLERK, COUNTY
COURT, WALKER COUNTY, TEXAS

--No. 570--

G. A. WHITE ET AL. TO THE PUBLIC

DEDICATION

THE STATE OF TEXAS,)

COUNTY OF WALKER,)

WHEREAS, G. A. White Subdivision, according to plat thereof shown of record in Volume 112, Page 29 of the Deed Records of Walker County, Texas, shows Blocks 1, 2, 3, 4, 5 and 6 as set forth on said plat; and whereas, by instrument dated May 23rd, 1953 and approved by Ordinance of the City of Huntville, Texas under date of June 2nd, 1953, filed for record in the office of the County Clerk of Walker County, Texas on April 23rd, 1955 under File No. 505 an amendment to said original plat was approved whereby Pine Drive between Bois D'Arc Drive and Cedar Drive was abandoned, closed and relocated as a part of Hickory Drive between Bois D'Arc Drive and Cedar Drive; and

WHEREAS, it has been discovered that there exists certain discrepancies in the original plat of the G. A. White Subdivision as recorded and the actual subdivision as heretofore laid out on the ground in the following particulars;

- (a) As set forth on said plat Pecan Drive is called to be S. 10° 18' E. when in truth and in fact said Pecan Drive as laid out on the ground runs S. 11° 33' E.
- (b) Said plat shows Oak Drive to be parallel with Pecan Drive when in truth and in fact said Oak Drive runs S. 11° 3' E. between Block No. 1 and Block No. 2 as set forth on said plat and runs S. 11° 33' E. between Blocks No. 5 and 6 of said Subdivision.
- (c) Pine Drive between Block No. 2 and Block No. 3 as laid out on the ground runs S. 21° 33' E.
- (d) Bois D'Arc Drive as set out on said plat is shown to run N. 79° 42' E. when in truth and in fact as laid out on the ground Bois D'Arc Drive runs N. 78° 7' E.
- (e) Cedar Drive on said plat is shown to be parallel with Bois D'Arc Drive and in truth and in fact is parallel with Bois D'Arc Drive running N. 78° 7' E.
- (f) Said original plat indicates the Huntville-Navasota highway No. 45 runs S. 74° 04' W. when in truth and in fact said highway runs S. 74° 50' W.

WHEREAS, it is desired that said G. A. White Subdivision be extended by the addition to it of Block No. 7 and Block No. 8 as set forth on the attached revised plat dated April 5th, 1955 prepared by W. O. Kirkland, Licensed State Land Surveyor; and

WHEREAS, it is desired that Block No. 4 and Block No. 5 of said G. A. White Subdivision be rearranged in view of the abandonment heretofore of Pine Drive between Bois D'Arc Drive and Cedar Drive as set forth on the attached plat above referred to; and

WHEREAS, it is desirable that said original plat be revised with the extensions of Block No. 7 and Block No. 8 as shown on said attached plat in order that the bearings of streets be shown correctly as the same are actually laid out on the ground;

That said attached map and plat is marked "Exhibit A" and made a part hereof for all legal purposes.

NOW, THEREFORE, we, G. A. White and wife, Hattie G. White, of Harris County, Texas, and F. V. Butler and wife, Pauline Gibbs Butler, of Walker County, Texas, being owners of all

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of the land set forth as Block No. 7 of the extension to the G. A. White Subdivision, and G. A. White and wife, Randle C. White, being owners of all of the land included in Block No. 8 as shown on the extension of G. A. White Subdivision, have dedicated and by these presents do dedicate the streets set forth on said plat abutting said Block No. 7 and Block No. 8 of the extension to G. A. White Subdivision insofar as the same or any portion thereof are over and across property owned respectively by us for the use and benefit of the public and of the owners and purchasers of the property abutting thereon and request that said Block No. 7 and Block No. 8 as shown on the attached plat be accepted as an extension of the G. A. White Subdivision; and

We, J. C. Walker and wife, Dorothy Walker, of Walker County, Texas, and G. A. White and wife, Randle C. White, of Harris County, Texas, being the owners of all of the land shown as Block No. 4 and Block No. 5 as revised on the attached plat after the abandonment of said Fine Drive between Fols D' Arc Drive and Cedar Drive do hereby dedicate said Block No. 4 and Block No. 5 as revised as a part of said G. A. White Subdivision according to the attached plat.

It is expressly provided that said corrected plat of G. A. White Subdivision and the extension thereof as shown upon the attached plat and the streets shown thereon are rededicated as public thorough fares and streets in favor of the City of Huntsville, Texas and that it is understood and agreed that this dedication shall be effective as to and operative upon the respective tracts owned by the several grantors to all intents and purposes as if separate instruments of dedication of and over the respective property of the several grantors had been prepared and executed by them with respect to their separate tracts of land respectively owned by them, and it is respectfully requested that said rededication and correction and extension be accepted by the City Council of the City of Huntsville, Texas in the interest of the public convenience and necessity and for recording in the office of the County Clerk of Walker County, Texas.

TO HAVE AND TO HOLD the above described rights, easements and street together with all and singular the privileges and appurtenances thereto in anywise belonging unto the City of Huntsville, Texas for the use and benefit of the public generally and of the abutting property owners along said dedicated streets and right-of-ways.

IN TESTIMONY WHEREOF witness our hands this 25th day of April, 1955.

/s/ G. A. White
/s/ Randle C. White
/s/ J. V. Butler
/s/ Pauline Gibbs Butler
/s/ J. C. Walker
/s/ Dorothy Walker

THE STATE OF TEXAS, I

COUNTY OF HARRIS. Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared G. A. White and wife, Randle C. White, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed; and the said Randle C. White, wife of the said G. A. White, having been examined by me privily and apart from her husband and having said instrument by me fully explained to her, she, the said Randle C. White, acknowledged such instrument to be her act and deed and declared that she had willingly signed the same for the purposes and consideration therein expressed and that she did not wish to retract it.

Given under my hand and seal of office, this 27th day of April, 1955.

(Seal)

/s/ Mrs. Alice K. Lawlers
Notary Public, Harris County, Texas.

THE STATE OF TEXAS, |
COUNTY OF WALKER. | BEFORE ME, the undersigned authority, a Notary Public in and for Walker County, Texas, on this day personally appeared J. V. Butler and wife, Pauline Gibbs Butler, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed; and the said Pauline Gibbs Butler, wife of the said J. V. Butler, having been examined by me privily and apart from her husband and having said instrument by me fully explained to her, she, the said Pauline Gibbs Butler, acknowledged such instrument to be her act and deed and declared that she had willingly signed the same for the purposes and consideration therein expressed and that she did not wish to retract it.

Given under my hand and seal of office this 28th day of April, 1955.

(Seal)

/s/ Robert B. Smither.

Notary Public, Walker County, Texas.

THE STATE OF TEXAS, |
COUNTY OF WALKER. | Before me, the undersigned authority, a Notary Public in and for Walker County, Texas, on this day personally appeared J. C. Walker and wife, Dorothy Walker, both known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they each executed the same for the purposes and consideration therein expressed; and the said Dorothy Walker, wife of the said J. C. Walker, having been examined by me privily and apart from her husband and having said instrument by me fully explained to her, she, the said Dorothy Walker, acknowledged such instrument to be her act and deed and declared that she had willingly signed the same for the purposes and consideration therein expressed and that she did not wish to retract it.

Given under my hand and seal of office this 3rd day of May, 1955.

(Seal)

/s/ Robert B. Smither,

Notary Public, Walker County, Texas.

AN ORDINANCE APPROVING THE CORRECTION AND REDEDICATION OF THE G. A. WHITE SUBDIVISION PLAT AND THE EXTENSION OF BLOCK NO. 7 AND BLOCK NO. 8 TO SAID G. A. WHITE SUBDIVISION AND AMENDING SAID G. A. WHITE SUBDIVISION TO SHOW THE REARRANGEMENT OF BLOCK NO. 4 AND BLOCK NO. 5 THEREOF.

WHEREAS, several owners of real estate have submitted a corrected plat of the G. A. White Subdivision as shown in Volume 112 at Page 29 of the Deed Records of Walker County, Texas and desire the dedication of an extension of said G. A. White Subdivision by the addition of Block No. 7 and Block No. 8 thereto and setting out certain discrepancies in the calls for bearings on the original streets as set out on the original plat and as actually laid out on the ground and the rearrangement of Block No. 4 and Block No. 5 in view of the abandonment of Pine Drive between Bols D'Aro Drive and Cedar Drive, and whereas, it is to the public interest and benefit that said corrected plat and the extension and the rearrangement of Block No. 4 and Block No. 5 be approved and adopted by the City Council of the City of Huntsville, the City Council has considered and passed the following ordinance:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS:

Section 1. That the corrected plat of the G. A. White Subdivision as submitted by instrument executed by G. A. White and wife, Raddle, J. C. Walker and wife, Dorothy Walker, and J. V. Butler and wife, Pauline Gibbs Butler, dated April 25th, 1955 and showing the extension of said G. A. White Subdivision by the addition of Block No. 7 and Block No. 8 and the rearrangement of Block No. 4 and Block No. 5 with attached plat thereto as revised under date of April 8th, 1955 by W. O. Kirkland, Licensed State Land Surveyor, and submitted for approval by the said several owners of the land be approved and adopted as set forth on said plat to be recorded in the deed Records of Walker County, Texas and that said dedication, rededication, extension

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and rearrangement is approved and the public streets set forth thereon accepted as public thorough
fares.

Passed and approved this the 3rd day of May, 1955.

(Seal) ATTEST:

/s/ W. B. Veasey Mayor

/s/ Kate Barr Ross, City Secretary

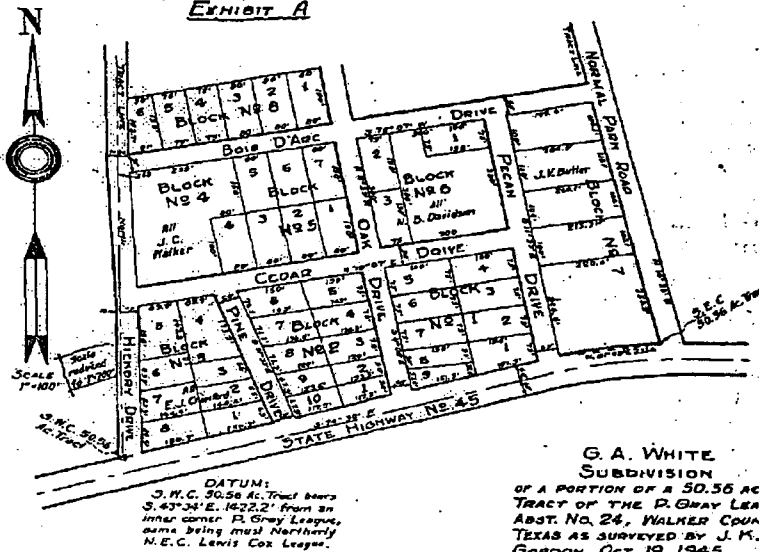
This is to certify that the above and foregoing is a true and correct copy of an ordinance passed and approved by the City Council of the City of Huntville, Texas on the 3rd day of May, 1955 and which is recorded in the minutes of said council.

Given under my hand and seal of office this 3rd day of May, 1955.

/s/ Kate Barr Ross

City Secretary, Huntville, Texas.

EXHIBIT A



**G.A. WHITE
SUBDIVISION**
OF A PORTION OF A 50.56 ACRE
TRACT OF THE D. GRAY LEAGUE,
ABST. NO. 24, WALKER COUNTY,
TEXAS AS SURVEYED BY J. K.
GORDON, OCT. 19, 1945.
REVISED APR. 8, 1955.
(Seal) W.O. Kirkland
Licensed State
Land Surveyor

Filed for record on May 12, 1955 at 10:00 A. M.

Recorded on May 18, 1955 at 4:20 P. M.

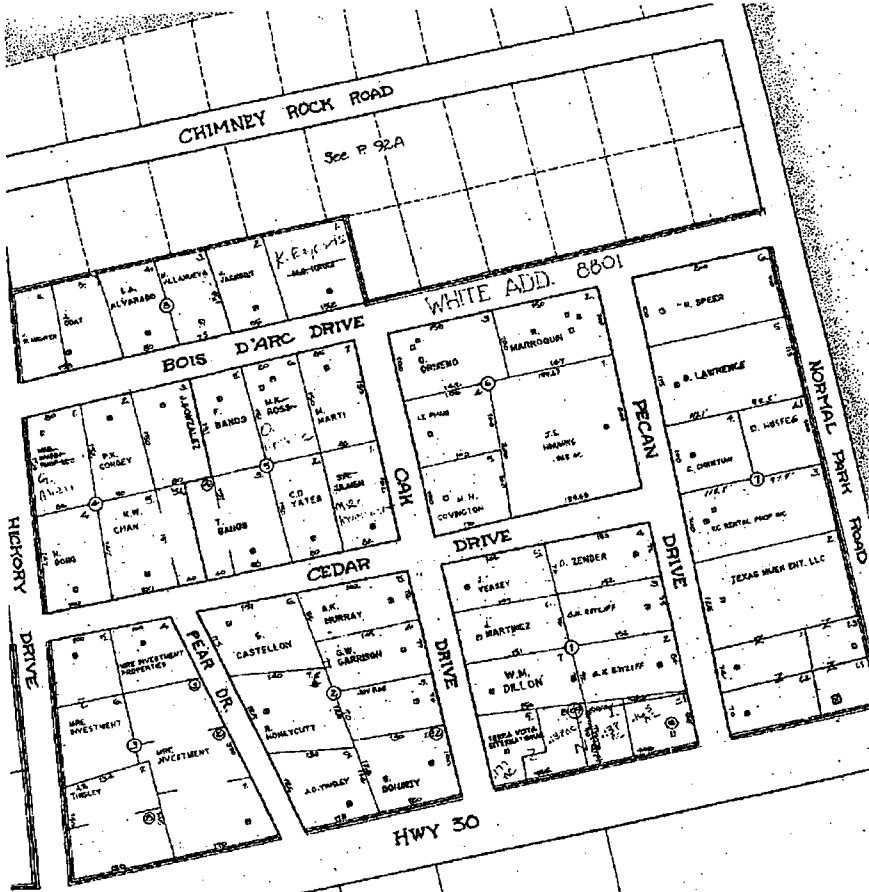
BY Nancy Penney DEPUTY

J. L. PEROUSON, CLERK, COUNTY
COURT, WALKER COUNTY, TEXAS

-No. 615-
EARL LOYD COVINGTON et ux to SKELLY OIL COMPANY OIL, GAS AND
MINERAL LEASE
THIS AGREEMENT made this 17th. day of January 1955, between Earl Loyd Covington and wife,
Mary Jane Covington Lessor (whether one or more) whose address is 161 Southmore, Pasadena,
Texas and Skelly Oil Company Lessee, WITNESSETH:

1. Lessor in consideration of Ten and no/100---Dollars (\$10.00), in hand paid, of the
royalties herein provided, and of the agreement of Lessee herein contained, hereby grants,
leases and lets exclusively unto Lessee for the purpose of investigating, exploring, prospecting,

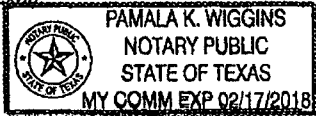
(Appraisal District Map)



	Bk	Vol	Pg
00020689	OR	1220	339

Exhibit "C"
(Signature Pages)

ATTACHED HERTO ARE 34 SIGNATURE PAGES, EVIDENCING THE APPROVAL OF THE FOREGOING AMENDMENT BY THE OWNERS OF 31.5 LOTS, OR 52.50% OF THE TOTAL NUMBER OF LOTS IN THE G.A. WHITE SUBDIVISION, HUNTSVILLE, WALKER COUNTY, TEXAS.

Property Owned:	This signature block is attached to the following document:
Block <u>1</u>	AMENDMENT TO RESTRICTIONS FOR
Lot(s) <u>1A</u>	G.A. WHITE SUBDIVISION HUNTSVILLE, WALKER COUNTY, TEXAS
Property Street Address(es)	Signature: <u><i>Pauline Blackard</i></u>
<u>1022 PECAN DRIVE</u>	Printed Name: <u>PAULINE BLACKARD, OWNER</u>
<u>HUNTSVILLE, TX 77320</u>	Address: <u>3819 SPRING DRIVE</u>
<u>Acres 0.165</u>	<u>HUNTSVILLE, TX 77340</u>
	Date: <u>SEPTEMBER 01, 2015</u>
	THE STATE OF TEXAS COUNTY OF <u>Walker</u>
	This instrument was acknowledged before me on <u>Sept 1,</u> 2015 by <u>Pauline Blackard</u>
	<u><i>Pamala K. Wiggins</i></u> Notary Public, State of Texas
	

City Staff Note:

This page is included as a Sample.

There are a total of 34 Signature pages filed and recorded as part of this document.

J. Ridley

7-15-2016

Excerpt from 7/21/2016 Planning Commission Minutes

Chairman Johnston left the dais for Agenda Items 4 & 5 due to conflict of interest.

Vice-Chairman Anderson chaired the meeting for Items 4 & 5. [5:06 PM]

4. PUBLIC HEARING to take testimony concerning the change in the Development District Classification of Blocks 1, 2, 3 and 7 of the G. A. White Subdivision from Neighborhood Conservation to Management.

Aron Kulhavy gave an overview the case noting the history of the subdivision and past Development District re-classification cases which were not approved due to withdrawal of the cases by the applicants. He also noted that amended subdivision/deed restrictions have recently been filed for the subdivision, however the City cannot enforce these and they had no bearing on staff's recommendation on this case. The Planning Commission initiated this case.

Vice-Chairman Anderson opened the Public Hearing. [5:12 PM]

The following citizens spoke in support of the change in Development District Classification making note of the change in the area to mainly rental property not owner occupied homes:

- **Robert McCaffety** - owner of property within the area proposed for re-classification.
- **Jimmy D. Henry** – owner of property within the area proposed for re-classification.
- **Micah Slaughter** – owner of property within the area proposed for re-classification.
- **Colt Christian** – owner of property within the area proposed for re-classification.
- **Debra Tinsley Humphrey** – owner of property within the area proposed for re-classification.
- **Steve Allbriton** – attorney representing the owner group which initiated and filed the recent amended subdivision/deed restrictions, making note of the procedures followed in the process to collect the needed votes for amending the restrictions.

The following citizens spoke in opposition to the change in Development District Classification:

- **Adam Fanning** – residing at 904 Oak Drive, outside of the area proposed for re-classification, stated that he bought a house to live in a neighborhood not a commercial area.
- **Scott Hornung** – residing at 912 Pecan Drive, outside of the area proposed for re-classification, stated his issues with the recent amended restrictions, presented a signed petition in opposition to the classification change, feels that it is the owners of the rental property in the subdivision which are not keeping up their property that are making the area “look bad”, noted possible decrease in property values, and feels like greed is motivating this attempt at re-classification, calling out Planning Commission Chairman Eric Johnson as one of the property owners who was behind the recent amended restriction and then this subsequent re-classification case. **Vice-Chairman Anderson** cautioned Mr. Hornung to refrain from picking out individual members of the board, noting that no particular individual commissioner initiated the reclassification of this property, it was an entire board decision. City Attorney **Leonard Schneider** interjected that the public is allowed to express their opinion as long as no personal attacks are made. He will step in to stop the speaker if that occurs.
- **Dalene Zender** – owner of property at 1004 Pecan, within the area proposed for re-classification, stated her issues with the voting process for the recent amended restrictions as not all of the property owners in the subdivision received ballots. She asked that the re-classification case either be dropped or tabled until such time that all of the property owners are able to “work out” the deed restrictions.

- **Lanny Ray** – concerned citizen, who resides outside of the G.A. White Subdivision, expressed his problems with the recent amended Deed Restrictions, suggesting that motives need to be looked at.
- **Steve Covington** – family owns home at 919 Oak Drive, outside of the area proposed for re-classification, stated that the family intends to keep this home in the family forever, noting the positive imagery of the area at a gateway in the City, his opposition to the possibility of the area being developed with fast-food establishments, pointing out the diverse nature of the neighborhood and as being ideal for first-time home owners, and wanting to ensure that the amended deed restrictions were done properly.
- **Cheryl Foreman** – residing at 2606 Bois D Arc Drive, outside of the area proposed for re-classification, stated the difficulty that she had in finding a home to purchase, and although her home is close to 11th Street with its large traffic volume, her home is still in a neighborhood, and noting that presently, as currently classified, there has been an increase in traffic on Bois D Arc.
- **Judy Hornung** – residing at 912 Pecan Drive, outside of the area proposed for re-classification, stated that her home is the center of her life, and wishes for the neighborhood to remain peaceful.
- **Jan Lawrence** – residing at 913 Pecan Drive, within the area proposed for re-classification, stated that although she and her spouse will soon be retiring and plan to move outside of the City, she is concerned for the other home owners and the neighborhood. She feels like the recent amending of the restrictions was handled wrong.
- **Alfred J. Veasey** – residing at 1003 Oak Drive, within the area proposed for re-classification, stated that the area is a nice, safe, peaceful neighborhood which he would like to leave to his children. He takes care of his property and he did not receive a ballot in order to vote on the recent amended restrictions.
- **Sarah H. Murray** – residing at 1004 Oak Drive, within the area proposed for re-classification, stated that her home has been in the family for many years and asked the Commission if any of them did not feel that family values are important. She is familiar with her neighbors and cares about her neighbors. There is a bond between the long-time residents of the neighborhood. There already safety concerns with cars speeding through the neighborhood. She feels that her neighborhood is entitled to enjoy beauty as well as all others in the City and does not want to be looking at the back of restaurants, asking what plans there might be to protect the neighborhood and how potential development would be evaluated for placement in the neighborhood. She asked that the Commission “think outside the box” in planning for this neighborhood as the issue of development district re-classification has plagued the neighborhood for many years. As a portal to the City of Huntsville, the beauty of the trees should be and is more appealing to visitors than commercial development.
- **Art Wolfskill** – citizen residing outside of the G. A. White Subdivision, stated his two issues with the proposed re-classification of the area. (1) Questioned the sanctity of the Neighborhood Conservation Development District designation, and the need for retail development in this area. If additional retail space is needed, where does it need to be located? (2) The Planning Commission’s job is to plan for the greater good of Huntsville.
- **Jordan Herrin** – residing at 1016 Pecan (non-property owner), within the area proposed for re-classification, stated that the G.A. White subdivision is a gem. The neighborhood is a great place for young professional to live and would be a shame for it to be lost.

Rebuttal was given by attorney **Steve Allbritton**, clarifying that he had stated that most, not all, of the area was rental property. He also reiterated that the process for the vote for and the subsequent amending of the restrictions was all done properly.

Vice-Chairman Anderson made a last call for public comments at which time **John Christian**, residing at 2604 Bois D Arc Drive, stated his concern with the negative effect of apartments on the neighborhood and property values.

Vice-Chairman Anderson closed the Public Hearing. [6:20 PM]

5. **CONSIDER** concerning the change in the Development District Classification of Blocks 1, 2, 3 and 7 of the G. A. White Subdivision from Neighborhood Conservation to Management.

Aron Kulhavy confirmed for **Commissioner Woods** that the City of Huntsville does not have enforcement authority of subdivision/deed restrictions.

Commissioner Barry noted that, if the area is re-classified to Management District, certain uses will require a Conditional Use Permit for development. He also questioned the rental of single family dwelling homes in the area to SHSU college students, making note of the city ordinance requirement that only one unrelated person may reside in a single family dwelling. He stated that Chairman Johnston has always recused himself whenever the Commission discussed Development District re-classification of this area. He made reference to Commissioner Cummings's absence at this meeting and his past comments regarding the timing and growth of the City which ultimately dictates the value and change of use of property. The Commission decided to take on the re-classification of this area at this time to avoid "piece meal" re-classification requests of individual properties and address the area as a whole. The issue of subdivision/deed restrictions was never discussed by the Commission when considering the re-classification of this area.

Per questions by **Commissioners Hilton & Woods**, it was pointed out that per the recent amended restrictions for the subdivision only Block 8 located on the north side of Bois D Arc Drive was designated for strictly residential use. All of the other blocks in the subdivision were designed for residential and non-residential use. Also a Conditional Use Permit for development is only required for some very specific uses per the *Development Code*.

Vice-Chairman Anderson pointed out any changes in width to 11th Street and the IH 45 overpass bridge would be by the Texas Department of Transportation and not by the City of Huntsville.

Commissioner Hilton made note of the fact that a change in the Development District Classification does not mandate the current use of the property to change. It is up to the property owner to make the change in use of the property. He feels that the highest and best use of the subject property is commercial.

Aron Kulhavy made a procedural comment. He noted that the Commission may decrease the size of the area under consideration. The size of the area cannot be increased. The Planning Commission can take action on this case at this meeting. Adequate Public Hearing and meeting notice has been given. The Commission's recommendation will be forwarded to the City Council.

There will be two readings with a Public Hearing before City Council.

Commissioner Durda commented that she feels for the families who live there and is concerned about the safety of the neighborhood however she also feels that the highest and best use of the subject property is for commercial use as opposed to single family dwelling homes.

Commissioner Hilton made a motion to recommend approval of the change in the Development District Classification of Block 1, 2, 3 and 7 of the G.A. White subdivision from Neighborhood Conservation to Management. Second was by Commissioner Woods. The vote was unanimous.

We the undersigned are **Opposed** to Changing the Development District classification of the G.A. White subdivision along 11th Street and Normal Park from Neighborhood Conservation to Management for the following reasons:

1. Property Values will decrease (especially for houses in the interior of the subdivision and those along Bois D Arc) for many reasons, including, but not limited to:
 - a. Increased through traffic will result in increased litter and decrease in security
 - b. Increase noise in traffic and businesses
 - c. Unsightly view to back of business dumpsters and fences
 - f. Light pollution from parking lot lighting
2. The change does not align with the city's Strategic Plan
 - a. The City's strategic plan states, "Goal #1, City Appearance - Provide policies, amenities, and events that enhance the City's already beautiful and historic natural environment."
 - b. A Bing search for the City of Huntsville will bring up the image of the Welcome to Huntsville sign at the corner of Hickory and 11th street.
 - c. The natural beauty of the trees and quiet streets will be destroyed.
3. The change reneges on City's pledge to the residents of Neighborhood Conservation classification

As defined by the City Development Code a Neighborhood Conservation: "The Neighborhood Conservation (NC) district is intended to help protect property values by conserving the overall character and function of single-family (detached house) residential areas of the City. It is intended for application in stable single-family (detached house) neighborhoods."

This is a vibrant neighborhood with young families raising children, homes that have been family residences for multiple generations, and older couples with returning children and grandchildren.

We must have a city government that upholds its word.
4. Smacks of Cronyism
 - a. The chair of the Planning Commission is a partner in the group that has aggressively pushed this change forward.
 - b. This same group has worked by cover of darkness to change deed restrictions. A legitimate and proper vote to change deed restrictions has not been performed.
5. There is no guarantee the city would receive increased revenue through commercial classification. Markham Realty on 11th Street is appraised at \$50,000 less than the opposing property in the G.A. White Subdivision.
6. All Huntsville residents would be impacted by traffic congestion and unsafe driving conditions along 11th Street.

We oppose changing the Development District classification of the G.A. White subdivision along 11th Street and Normal Park from Neighborhood Conservation to Management.

No.	Signature	Printed Name
1	Cheryl Foreman	Cheryl Foreman
2	Craig Foreman	Craig Foreman
3	Janet M. Hardin	JANET M. HARDIN
4	Steve Covington	Steve Covington
5	Rita Marroquin	Rita Marroquin
6	Matthew Carter	Matthew Carter
7	Melissa Sharik	Melissa Sharik
8	Mario Villanueva	Mario Villanueva
9	Oscar Villanueva	Oscar Villanueva
10	Leonel Vazquez	LEONEL VAZQUEZ
11	James Spears	James Spears
12	Adam Fanning	Adam Fanning
13	John C. Masters	John C. Masters
14	Aaron S. Masters	Aaron S. Masters
15	Thomas R. Caperton	Thomas R. CAPERTON
16	Laura Caperton	Laura Caperton
17	Rachel Hornung	Rachel Hornung
18	Yesenia Marroquin	Yesenia Marroquin
19	2. Canales	2. Canales
20	James Jackson	JAMES JACKSON
21	Judy Hornung	Judy Hornung
22	Odat Ameen S.	Odat Ameen S.
23	Mary M. Wolfskill	Mary M. Wolfskill
24	Dalene Zender	Dalene Zender
25	Janis Lawrence	JANIS LAWRENCE

We oppose changing the Development District classification of the G.A. White subdivision along 11th Street and Normal Park from Neighborhood Conservation to Management.

No.	Signature	Printed Name
1	<i>Clotia L. Veasey</i>	Clotia L. Veasey
2	<i>Rachel Henry</i>	Rachel Henry
3	<i>Mal Davis</i>	Mal Davis
4	<i>Lakesha Veasey</i>	Lakesha Veasey
5	<i>Sabrina Thompson</i>	Sabrina Thompson
6	<i>Terrian Davis</i>	Terrian Davis
7	<i>Lucy Mack</i>	Lucy Mack
8	<i>Freda Agu</i>	Freda Agu
9	<i>Laura Hamilton</i>	Laura Hamilton
10	<i>Diane Mack</i>	Diane Mack
11	<i>Alipia Agu</i>	Alipia Agu
12	<i>Nemera White</i>	Nemera White
13	<i>Tobias Thompson</i>	Tobias Thompson
14	<i>Chacandra R. Holcombe</i>	Chacandra R. Holcombe
15	<i>Earnell F. Holcombe</i>	Earnell F. Holcombe
16	<i>Danielle Verrey</i>	Danielle Verrey
17	<i>James West</i>	James West
18	<i>Leta M. Richards</i>	Leta M. Richards
19	<i>Golda Rich</i>	GOLDA RICH
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We oppose changing the Development District classification of the G.A. White subdivision along 11th Street and Normal Park from Neighborhood Conservation to Management.

No.	Signature	Printed Name
1	<i>Theresa Alford</i>	Theresa Alford
2	<i>Jacoby Allen</i>	Jacoby Allen
3	<i>Shannon Oliver</i>	Shannon Oliver
4	<i>MARISA Calucasey</i>	MARISA Calucasey
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We oppose changing the Development District classification of the G.A. White subdivision along 11th Street and Normal Park from Neighborhood Conservation to Management.

No.	Signature	Printed Name
1	<i>Hollis Murray</i>	Hollis Murray
2	<i>Scott Hornung</i>	SCOTT Hornung
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3/10/14

We oppose changing the Development District classification of the G.A. White subdivision along 11th Street and Normal Park from Neighborhood Conservation to Management.

No.	Signature	Printed Name	
	<i>Gene J. Allen</i>	Gene J. Allen	901 Hickory
	<i>David Castillo</i>	David Castillo	2715 Cedar
	<i>Alexandrina Martinez</i>	Alexandrina Martinez	1009 Oak
	<i>Crystal Fanning</i>	Crystal Fanning	904 Oak
	<i>Barney Lawrence</i>	Barney Lawrence	913 Pecan
	<i>Arthur L. Jacoby</i>	Arthur L. Jacoby	2609 Chimney Rock
7	<i>Jordan Herrin</i>	Jordan Herrin	
8	<i>Erin Herrin</i>	Erin Herrin	
9	<i>Jess Marlar</i>	Jess Marlar	
10	<i>Katie Samuels</i>	Katie Samuels	
11	<i>Ashley Segler</i>	Ashley Segler	
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MINUTES FROM THE HUNTSVILLE CITY COUNCIL REGULAR MEETING HELD ON THE 2ND DAY OF AUGUST 2016, IN THE CITY HALL, LOCATED AT 1212 AVENUE M, IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS, AT 6:00 P.M.

The Council met in a regular session with the following:

COUNCILMEMBERS PRESENT: Andy Brauninger, Paul Davidhizar, Lydia Montgomery, Don H. Johnson Ronald Allen, Joe P. Rodriguez, Tish Humphrey

COUNCILMEMBERS ABSENT: Keith Olson, Joe Emmett

OFFICERS PRESENT: Matt Benoit, City Manager; Leonard Schneider, City Attorney; Lee Woodward, City Secretary

WORK SESSIONS [4:30 P.M.] – City Council will discuss a potential bond election for the November 8, 2016 ballot.

City Manager Matt Benoit presented ballot proposition options for the proposed November bond election.

MAIN SESSION [6:00 p.m.]

1. CALL TO ORDER – Mayor Brauninger called the meeting to order at 6:00 p.m.

2. INVOCATION AND PLEDGES

U.S. Flag

Texas Flag: Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.

Mayor Brauninger gave an invocation and Brianna McNeil from the YMCA, led the pledges.

3. CONSENT AGENDA

Public Comments will be called for by the presiding officer before action is taken on these items. *(Approval of Consent Agenda authorizes the City Manager to implement each item in accordance with staff recommendations. An item may be removed from the Consent Agenda and added to the Statutory Agenda for full discussion by request of a member of Council.)*

- a. Approve the minutes of the City Council meeting held on July 19, 2016 and the special session held on July 26, 2016. [Lee Woodward, City Secretary]
- b. Approve the 2016 Joint Election Agreement and Election Services Contract with Walker County for the November 8, 2016 election. [Lee Woodward, City Secretary]
- c. Authorize the City Manager and City Attorney to execute the necessary documents to abandon the existing easements and to modify the shared access easement on Lot 1 of the Huntsville Fire Station #2 Subdivision in the John W. Adams Survey (A-62), located at 2109 and 2257 Sam Houston Avenue. [Aron Kulhavy, Director of Community and Economic Development]

Councilmember Johnson moved to adopt the consent agenda; the motion was seconded by Councilmember Montgomery. The motion was unanimously adopted, 7-0.

4. STATUTORY AGENDA

- a. *Presentation, public comment, discussion, and possible action to approve announcing the City Council's intention to adopt a maximum property tax rate of \$0.3809 per \$100 valuation for the City's 2016 – 2017 Fiscal Year (Tax Year 2016).* [Steve Ritter, Finance Director]

Councilmember Rodriguez moved to approve announcing the City Council's intention to adopt a maximum property tax rate of \$0.3809 per \$100 valuation for the City's 2016 – 2017 Fiscal Year (Tax Year 2016). The motion was seconded by Councilmember Allen. The motion was adopted, 7-0.

5. MAYOR/CITY COUNCIL/CITY MANAGER AND CITY ATTORNEY REPORT

- a. *Presentation, public comment, discussion, and possible action to approve the Mayor's nominations for City boards, committees, and commissions.* [Mayor Brauninger]

Mayor Brauninger moved his nomination for City boards, committees, and commissions. Councilmember Allen moved to divide the question by committee and was seconded by Councilmember Rodriguez. The motion was adopted unanimously, 7-0. Councilmember Humphrey moved to approve the nominations for the Arts Commission and was seconded by Councilmembers Montgomery and Davidhizar. The motion was approved unanimously, 7-0. Councilmember Humphrey moved to approve the nomination for the Board of Adjustments and Appeals and was seconded by Councilmember Rodriguez. The motion was approved unanimously, 7-0. Councilmember Humphrey moved to approve the nomination for the Huntsville Housing Authority and was seconded by Councilmember Rodriguez. The motion was approved unanimously, 7-0. Councilmember Humphrey moved to approve the nomination for the Planning Commission and was seconded by Councilmember Rodriguez. The motion was approved, 6-1, Councilmember Allen voting against. Councilmember Humphrey moved to approve the nominations for the City of Huntsville, Texas Veterans Affairs Advisory Board and was seconded by Councilmember Rodriguez. The motion was approved unanimously, 7-0. Councilmember Humphrey moved to approve the nomination for the Walker County Public Safety Communications Center Executive Board and was seconded by Councilmember Rodriguez. The motion was approved, 6-1, Councilmember Allen voting against. Councilmember Humphrey moved to approve the nominations for the Board of Adjustments - Zoning and was seconded by Councilmember Rodriguez. The motion was approved unanimously, 7-0.

Nominations approved were:

Arts Commission - Betsy Milligan-Maloney – reapplication; Michael Henderson – reapplication

Board of Adjustments & Appeals - Joe Soliz – reapplication

Huntsville Housing Authority - Debra Daugette – reapplication

Planning Commission - Bill Barry – reapplication

Veterans Affairs Board - Wayne Keen – reapplication; Leta Reiner – reapplication; John McManners – reapplication; Shane Loosier – application

Walker County Public Safety Communications Center Executive Board (911/dispatch) - Matt Benoit

Board of Adjustments – Zoning (ZBA) - Anthony Watkins – reapplication; David Zuniga - reapplication

6. REQUESTS FOR CITIZEN PARTICIPATION

An opportunity for citizens to be heard on any topic and for the City Council to participate in the discussion. No action will be taken.

Consideration and discussion on a Citizen Participation Request from Mac Woodward concerning a request from the Rita B. Huff for a waiver of permit and inspection fees for construction of a cover over the outside kennels.

Mac Woodward pulled this item from Council consideration.

7. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA

There were no media inquiries.

8. ITEMS OF COMMUNITY INTEREST

(Hear announcements concerning items of community interest from the Mayor, Councilmembers, and City staff for which no action will be discussed or taken.)

Councilmember Humphrey gave an *HISD Minute*, notifying all for the new HornetNation.org website to debut soon for all Hornet athletics. She also reminded everyone to buy a Hornet flag by August 18. Councilmember Humphrey also had an *Alpha Omega Academy Second*, noting they would start back to class on August 17.

Mayor Brauning announced the following:

- Join us at the Wynne Home on Saturday from 4-7 for their second annual luau! There will be lots of fun activities for all! Then plan to continue the fun next week at the Statue on August 9th-11th for their Back to School Bash, each day from 2-4. Visit www.huntsvilletexas.com for a full schedule including the City's Fire and Police Depts., the Mayor, and more!
- There will be a community-wide Unity event on Sunday, August 7 at 9 am. Citizens and law enforcement officers from all areas of Huntsville will gather at the Courthouse and walk to Emancipation Park for a barbecue and social. Contact Deborah DuBose at 936-662-9643 for more information.
- The Town Square Business Owners are holding a block party next Tuesday, August 9, from 5-7 p.m. Check out what's new and revisit all your favorites around the Square!
- One-way traffic and signs for new paid parking spaces have been installed along Bobby K. Marks Drive and Bearkat Boulevard. We need everyone's help in getting used to this new system, so please pay attention and remind returning students & faculty you may talk to. The parking spaces are open and the payment system is in testing mode at the moment, expected to go live in the next week or two. Call 291-5419 for more information.

Councilmember Humphrey introduced a video from last Friday's social media platforms, covering the IT Department's rescue of ten tiny ducklings who fell into a stormwater grate at City Hall.

9. ADJOURNMENT

Mayor Brauning adjourned the meeting at 6:18 p.m.

Lee Woodward, City Secretary

MINUTES FROM THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 9TH DAY OF AUGUST 2016, IN THE CITY HALL, LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS, AT 4:00 PM.

The Council met in a regular session with the following:

COUNCILMEMBERS PRESENT: Andy Brauninger, Paul Davidhizar, Lydia Montgomery, Don H. Johnson, Keith D. Olson, Tish Humphrey, Ronald Allen, Joe P. Rodriguez

COUNCILMEMBERS ABSENT: Joe Emmett

OFFICERS PRESENT: Matt Benoit, City Manager, Lee Woodward, City Secretary

WORKSHOP [4:00PM]

1. **CALL TO ORDER** - Mayor Brauninger called the meeting to order at 4:01 p.m.
2. **DISCUSSION/CONSIDERATION – The City Council will hear presentations on and discuss budget proposals for FY 16-17**

Steve Ritter, City Finance Director, presented an overview of all City funds for the Council to consider in relation to the FY16-17 budget.

3. **ADJOURNMENT**

Mayor Brauninger adjourned the meeting at 5:53 p.m.

Lee Woodward, City Secretary



CITY COUNCIL AGENDA

6/7/2016

Agenda Item: 4b

Item/Subject: Consider adopting Resolution 2016-31 authorizing the City Secretary to designate Deputy City Secretary Megan Kaltenbach to act on behalf of the City Secretary in her absence.

Initiating Department/Presenter: City Secretary

Presenter: Lee Woodward, City Secretary

Recommended Motion: Move to adopt Resolution 2016-31 authorizing the City Secretary to designate Deputy City Secretary Megan Kaltenbach to act on behalf of the City Secretary in her absence.

Strategic Initiative: Goal #6 - Finance - Provide a sustainable, efficient and fiscally sound government through conservative fiscal practices and resource management.

Discussion: Section 4.06 of the City Charter includes "The City Secretary shall appoint such assistants as may be authorized by the Council." The City Secretary believes it would be prudent to make such an appointment before it is needed, in the interest of being prepared for the unforeseen.

Previous Council Action: Resolution 2013-16 used the same Charter section to provide for the addition of Assistant PIO to Kristin Edward's Deputy City Secretary title (as Ms. Edwards had come to the City as the PIO before it was re-incorporated into the City Secretary position and before Ms. Edwards' appointment as Deputy City Secretary), but otherwise no authorizations of this type have been handled in the recent past.

Financial Implications:

☒ There is no financial impact associated with this item.

Approvals: ☒ City Attorney ☐ Director of Finance ☐ City Manager

Associated Information:

- Proposed Resolution 2016-31

RESOLUTION NO. 2016-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, HEREBY AUTHORIZING THE CITY SECRETARY OF THE CITY OF HUNTSVILLE, TEXAS, TO DESIGNATE DEPUTY CITY SECRETARY MEGAN KALTENBACH TO ACT ON BEHALF OF THE CITY SECRETARY IN HER ABSENCE BY PERFORMING THE DUTIES OF CITY SECRETARY; PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the City Council of the City of Huntsville, Texas ("City Council") has investigated and determined that there may be instances when the appointed City Secretary is absent from her duties for various reasons; and

WHEREAS, the City Council has investigated and determined that it is important that the duties of the City Secretary continue to be completed in her absence in order to carry on the business of the City of Huntsville ("City"); and

WHEREAS, the City Council has investigated and determined that it is in the best interest of the citizens of the City to authorize the City Secretary to designate two individuals to act on behalf of the City Secretary in her absence by performing the duties of City Secretary.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS:

SECTION 1: The City Secretary of the City of Huntsville, Texas, is hereby authorized to designate Deputy City Secretary Megan Kaltenbach to act on behalf of the City Secretary in her absence, by performing the duties of City Secretary.

SECTION 2: This Resolution shall take effect immediately upon its passage.

RESOLVED THIS THE _____ day of _____, 20_____.

CITY OF HUNTSVILLE, TEXAS

Andy Brauning, Mayor

ATTEST TO:

APPROVE AS TO FORM:

Lee Woodward, City Secretary

Leonard V. Schneider, City Attorney

ORDINANCE NO. 2016-34

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, ORDERING A MUNICIPAL ELECTION TO BE HELD ON THE 8TH DAY OF NOVEMBER 2016, FOR THE PURPOSE OF ELECTING FOUR AT-LARGE COUNCILMEMBERS; DESIGNATING THE PLACES AND MANNER OF HOLDING THE ELECTION; AND PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, that:

SECTION 1. The regular municipal election of the City of Huntsville, prescribed by Section 6.01 of the City Charter, shall be held between the hours of seven (7:00) o'clock a.m. and seven (7:00) o'clock p.m. on the 8th day of November 2016, in the City, for the purpose of electing four at-large Councilmembers.

SECTION 2. This election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas. In all City elections, the Mayor, City Secretary or City Council shall do and perform each act as in other elections required to be done and performed, respectively, by the County Judge, the County Clerk or the Commissioners' Court. The City Council has determined, pursuant to Chapter 31 of the Texas Election Code, that the City is authorized to enter into an Election Services Agreement with Walker County, Texas, and, pursuant to Chapter 271 of the Texas Election Code, the City is authorized to enter into a Joint Election Agreement with Walker County and other participating political subdivisions for this election. The City Secretary and Mayor are hereby authorized to perform all duties and take all actions as required by any election agreement(s) and/or the contract(s) for election services that may be authorized by City Council.

SECTION 3. Any eligible and qualified person may have his name upon the official ballot as an independent candidate by submitting an application, which, in accordance with Texas Election Code Section 141.031, must be in writing and be signed and sworn to by the candidate and indicate the date that the candidate swears to the application. Such application for the general election may be filed with the City Secretary beginning on July 23, 2016 and must be filed not later than 5:00 p.m. on August 22, 2016.

SECTION 4. Four at-large Councilmembers shall be selected as representatives of all four Huntsville wards. The Councilmembers to be elected shall hold office for a period of two (2) years.

SECTION 5. Each of the four Councilmembers shall be citizens of the United States, qualified and registered voters of the State of Texas; residents within the present corporate limits of Huntsville for at least twelve months immediately preceding the election; and current in payment of taxes and assessments due to the City.

SECTION 6. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing of the City Secretary as provided by section 52.094 of the Texas Election Code.

The form of the ballot for the election shall be as follows:

OFFICIAL BALLOT
General Election
City of Huntsville, Texas
November 8, 2016

INSTRUCTION NOTE: Vote for the candidate of your choice in each race by placing an "X" in the square beside the candidate's name.

Councilmember, At-Large Position One (Vote for one)

- ☐ (candidates' name)
- ☐ (candidates' name)

Councilmember, At-Large Position Two (Vote for one)

- ☐ (candidates' name)
- ☐ (candidates' name)

Councilmember, At-Large Position Three (Vote for one)

- ☐ (candidates' name)
- ☐ (candidates' name)

Councilmember, At-Large Position Four (Vote for one)

- ☐ (candidates' name)
- ☐ (candidates' name)

SECTION 7. Diana L. McRae, the Walker County Election Officer/Tax Assessor-Collector, is the Early Voting Clerk (EVC), and Julie Cooper, Walker County Elections Manager, is appointed Deputy Early Voting Clerk (DEVK) for the joint early voting approved by Commissioners' Court, as with respect to early voting in person and voting by mail, and the Walker County Annex, 1301 Sam Houston Avenue, Suite 101, is hereby designated as the Main Early Voting Site for early voting for the election. Early Voting in the election by personal appearance shall be conducted at the times, dates and polling places as provided for in the Walker County Election Services Contract between the City of Huntsville, Texas and Walker County, Texas, and further adopts any additions or amendments to such concerning early voting times, dates, and polling location as approved by the Walker County Deputy Elections Administrator. During the lawful early voting period, such clerk shall keep such place for early voting open for early voting from 8:00 a.m. - 5:00 p.m., Monday through Friday, October 24-November 4, 2016; and from 7:00 a.m. - 7:00 p.m. on Tuesday, October 25, 2016 and Tuesday, November 1, 2016; except on official state holidays.

Weekend voting will be conducted at the Main Early Voting Site only, on October 29 and 30, from 8:00 a.m.-12:00 p.m. and from 1:00 p.m.-5:00 p.m. Branch Early Voting will be conducted at the H.E.A.R.T.S. Veterans Museum/Walker County Storm Shelter Complex from 8:00 a.m.-5:00 p.m. on October 24-28; and from 7:00 a.m.-7:00 p.m. on Tuesday, October 25, 2016.

SECTION 8. The Mayor and City Secretary are hereby directed to give notice of the election by:

- a) causing said notice of such election to be published at least forty (40) days prior to the date of such election in the newspaper;
- b) by publishing the notice at least one time, not more than thirty (30) days nor less than ten (10) days before the election, in the newspaper;
- c) by filing with the City Secretary, for posting, a copy of said notice at least twenty-one (21) days before the election; and
- d) by posting on the City Hall bulletin board notice of the election at least twenty-one (21) days before the election.

The Mayor and City Secretary shall file with the City Secretary a copy of the notice as published, together with the name of the newspaper and the dates of publication.

SECTION 9. It is further found and determined that, in accordance with the order of this governing body, the City Secretary posted written notice of the date, place and subject of this meeting on the bulletin board located in the City Hall, a place convenient and readily accessible to the general public, and such notice having been so posted and remaining posted continuously for at least seventy-two (72) hours preceding the scheduled time of such meeting.

SECTION 10. That the Mayor and/or the City Secretary of the City of Huntsville are hereby authorized to execute and/or issue, for an on behalf of the City, such orders, documents and forms as may, from time to

time, be promulgated by the Secretary of State of the State of Texas in conjunction with the election herein ordained.

SECTION 11. The Mayor and/or the City Secretary and the attorney for the City are hereby authorized and directed to make any filings required by the Federal Voting Rights Act. The Mayor and/or the City Secretary and the attorney for the City are further authorized and directed to take any action necessary to comply with the provisions of the Texas Elections Code, the Federal Voting Rights Act and the terms and provisions of any Election Services Contract(s) and the Joint Election Agreement(s) in carrying out the provisions of this Ordinance, whether or not expressly authorized herein.

SECTION 12. This ordinance shall take effect from and after its passage.

PASSED AND APPROVED this _____ day of August 2016.

THE CITY OF HUNTSVILLE

Andy Brauninger, Mayor

ATTEST:

APPROVED AS TO FORM:

Lee Woodward, City Secretary

Leonard Schneider, City Attorney



CITY COUNCIL AGENDA

8/16/2016

Agenda Item: 4d

Item/Subject: Consider adoption of Ordinance 2016-35 to amend the budget for FY 15-16.

Initiating Department/Presenter: Finance

Presenter: Steve Ritter – Finance Director

Recommended Motion: Move to adopt Ordinance 2016-35 to amend the budget for FY 15-16.

Strategic Initiative: Goal #6 - Finance - Provide a sustainable, efficient and fiscally sound government through conservative fiscal practices and resource management.

Discussion: As discussed in the attachment to the Ordinance, various budget amendments are presented for City Council consideration.

Previous Council Action: The budget amendments were presented to the Finance Committee at their August 9, 2016 meeting and approved by the Finance Committee. No previous action by the full Council.

Financial Implications:

☒ See the attached Ordinance and related Budget Amendments (Exhibit A)

Approvals: ☐ City Attorney ☒ Director of Finance ☒ City Manager

Associated Information:

- Ordinance 2016-35, page 2
- Exhibit A (list of budget amendments), page 3

ORDINANCE NO. 2016-35

AN ORDINANCE OF THE CITY OF HUNTSVILLE, TEXAS, AMENDING THE 2015-2016 ANNUAL BUDGET AND CAPITAL IMPROVEMENTS PROJECTS (CIP) BUDGETS, ORDINANCE NO. 2015-43 TO AMEND ADOPTED EXPENDITURES OF THE BUDGET; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the 2015-2016 Annual Budget and CIP Budgets were adopted by Ordinance 2015-43 on September 15, 2015;

WHEREAS, various unforeseen circumstances affecting the City have presented themselves during the course of the fiscal year;

WHEREAS, the City Council considered the circumstances independently, deliberating appropriately on the associated revenues and expenditures and the overall impact on the general financial status of the City;

WHEREAS, pursuant to the laws of the State of Texas and the City Charter of the City of Huntsville, Texas, the City Council has determined that it will be beneficial and advantageous to the citizens of the City of Huntsville to amend the annual budget for fiscal year 2015 – 2016 and the Capital Improvements Projects (CIP) budget as set forth herein; and

WHEREAS, this ordinance combines the independent Council actions into one budget amendment document;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, that:

Section 1. The findings set forth above are incorporated into the body of this ordinance.

Section 2. The annual budget for fiscal year 2015 – 2016 is hereby amended to include the expenditures and revenues in Exhibit “A” attached hereto and made a part of this ordinance as if set out verbatim herein.

Section 3. All ordinances of the City in conflict with the provisions of this ordinance are hereby repealed, and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 4. Should any section, portion, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the force or effect of any other section or portion of this ordinance.

Section 5. The necessity for amending the budget for the fiscal year 2015 – 2016, as required by the laws of the State of Texas, requires that this ordinance shall take effect immediately from and after its passage, as the law in such cases provides.

Section 6. This ordinance shall take effect immediately after its passage.

PASSED AND APPROVED on this the 16th day of August 2016.

THE CITY OF HUNTSVILLE, TEXAS

Andy Brauning, Mayor

ATTEST:

APPROVED AS TO FORM:

Lee Woodward, City Secretary

Leonard Schneider, City Attorney

Budget Amendments FY 15-16

August 16, 2016

Exhibit A

Increase: Health Insurance Fund - Claims expense	\$	550,000
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Explanation:	Both Medical and Dental claims are exceeding Budgeted amounts. Staff is requesting additional budget that is expected to cover budget needs for the claims expense through the end of the fiscal year. There is approximately \$340,000 of unused budget in an account for Paying into HRA accounts that will not be needed since Retirees remained on the City plan as a result of the Exchanges not working out. If not for the unused \$340,000 staff would be requesting \$890,000. Staff has no control over claims expenditures.
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Increase: General Fund - Contributions revenue account	\$	1,000
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Increase: Bicycle Program/ National Night Out	\$	1,000
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Explanation:	The City, through the Police Department, received a donation from Target in the amount of \$1,000 designated to be used for expenses for the "National Night Out". Budget Policy requires Council to approve increases to the Budget; even though monies have been received to offset the cost.
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CITY COUNCIL AGENDA

8/16/2016

Agenda Item: 4e

Item/Subject: Consider awarding a contract for repair of Well 17 to Smith Pump.

Initiating Department/Presenter: Public Works

Presenter: Carol Reed, Director of Public Works

Recommended Motion: Move to award a contract for repair of Well 17 to Smith Pump.

Strategic Initiative: Goal #4 - Infrastructure - Ensure the quality of the City utilities, transportation and physical structures so that the City's core services can be provided in an effective and efficient manner.

Discussion: The City of Huntsville currently has seven (7) water wells that provide potable water to the City. Two (2) of these water wells pump to the Spring Lake Plant and the other five (5) water wells pump to the Palm Street Plant.

Water Well 17 is one of the five that pumps to Palm Street and is also the highest-producing well, normally producing 1000 gallons per minute (GPM). During extensive well usage due to the TRA 30" Raw Water Line failure in early June, the pumping capacity slowly diminished over a period of several days, finally failing completely on June 14, 2016. A contractor hired by the City pulled the pump and motor and determined that the motor had burned out due to an electrical short.

All wells are needed to meet water demand in the event that the City cannot receive water from the Trinity River Authority plant. City staff regularly tests and monitors all wells for numerous parameters including efficiency, production, drawdown, and water quality. Also, current staff has had experience in the past with well failures and repairs and has therefore developed a familiarity with local and regional contractors.

City staff prepared a formal Request for Proposal package for repair of Well 17 and conducted a pre-proposal meeting prior to the submission closing date. Nine potential firms were emailed the solicitation, in addition to its being posted in the Huntsville Item, and on City of Huntsville website, and on Electronic State Business Daily and Public Purchase. Six solicitation packets were received. Representatives from the Water Division objectively scored all responses based on past performance, qualifications, project timeline, and price.

Smith Pump Company has been in business since 1962 and has been used with satisfaction by the City for well repairs in the past. City staff's past experience with Smith reveals no change orders, as opposed to other vendors. In addition, they have always met their time schedules, provided excellent documentation, and stayed within the bid price. All in all, they have been very professional to deal with. For these reasons, along with a competitive bid, Smith Pump received the highest score of all vendors and staff recommends that they be awarded this project.

Previous Council Action: On November 9, 2010, the City Council approved \$195,122 for the repair of Well #17, unrelated to the current item.

Financial Implications:☐ There is no financial impact associated with this item.☒ Item is budgeted: 220-361-53060 In the amount of \$ 124,777.00☐ Item is not budgeted:☐ Item is estimated to generate additional revenue:

Approvals: ☐ City Attorney ☐ Director of Finance ☐ City Manager

Associated Information:

- Solicitation sheet, p. 2
- Quote, p. 3
- Bid tab, p. 4

August 2, 2016 11:00 am

Repair Water Well # 17

Solicitation List

Number	Vendors	E-Mail	Location	Attended Pre-Bid Meeting
1	Holly Water Wells	linda@hollywaterwells.com	Huntsville, TX	NO
2	Ballard Water Wells	samballard@gmail.com	New Waverly, TX	NO
3	Grays Water Wells	brad@grayswaterwell.com	Huntsville, TX	NO
4	Smith Pump	mattn@smithpump.com	Houston, TX	NO
5	Brien Water Well	brienww@yahoo.com	College Station, TX	NO
6	Alsay Inc.	jim.caldwell@alsayinc.com	Conroe, TX	YES
7	Bull Eyes Services	rpfeiffer@bulls-eyeservices.com	Dilly, TX	YES
8	Williams Water Well	williamswaterwell@yahoo.com	Livingston, TX	NO
9	Russell Drilling	trussell@russelldrilling.com	Nacogdoches, TX	NO
Number	Mass Distribution		Viewed	
1	Huntsville Item		Not Tracked	
2	City of Huntsville Web Site		Not Tracked	
3	Construct Connect		Not Tracked	
3	Electronic State Business Daily		Not Tracked	
4	Public Purchase		68	

9. Page 8 Add the Following to General Scope of Work: 4. Existing wire to be megged by contractor. Contractor takes full responsibility for all testing. Contractor to notify the City of all testing results. 5. Alternate item – replace all existing wire with new and unused wire. To include installation required for all equipment warranties to be in place. Firm to provide certified electrician for all wiring installation and this is to be included in price.

10. Page 10: Add the following:
EVALUATION CRITERIA

- a. Responder's Qualifications - This refers to the overall qualifications of responder and their past experience in providing similar services to those requested by this RFP. It also refers to the quality of service/performance on previous City projects.
 - Responder to provide similar experience/references statements, not to exceed one (1) single sided page. Each reference should list the firm/entity name, project manager, contact information, project budget and when project was completed.
 - Responder to include copy of insurance as currently in place
 - Responder to verify/confirm that all bonding requirements are attainable
- b. Project Timeline - Responder to provide a timeline of activity detailing how the project will be completed in the allotted 120 days. Responder to detail what task(s) will be required of the City.
- c. Cost of Services - Evaluation to be based on best value consideration of the responders proposed brand of motor and pump, to include all labor and materials as outlined. Outline how the proposed brand will fit the City's needs and how the overall cost of using the proposed brand will be the better overall value to the City, not to exceed one (1) single sided page. Include the specification sheet(s) for the proposed brand(s) with the solicitation submission.

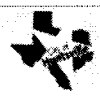
10. Page 10 Price Table Replace with the following:

Description	Price (Turn-key as outlined in specifications above)		
Option # 1 List brand name & delivery time of motor & pump	\$ 76,777. ⁰⁰	Brand Name: FLOUVERNE PUMP PLEUGER MOTOR	Delivery Time: 48 DAYS
Option # 1 Alternate Item # 4 New wiring to include installation	\$ 47,200. ⁰⁰		
Option # 2 List brand name of motor & pump	\$ 124,777. ⁰⁰	Brand Name: FLOUVERNE PUMP PLEUGER MOTOR	Delivery Time: 48 DAYS
Method of debris removal	Sonar Jet		Wire Brush
Bid Bond Included	YES		NO
Qualifications Included	YES		NO
Project Timeline Included	YES		NO

(NOTE EXCEPTION TAKEN FOR MEANS OF FILL REMOVAL)

Page 2 of 3 RFP # 16- 17 Firm Name: SMITH PUMP COMPANY

August 2, 2016
 Repair Water Well # 17
 Evaluation



	Firm Names					
	Holly Water Wells - Huntsville, TX	Weisinger Inc - Conroe, TX	Smith Pump - Waco, TX	Alszy Inc - San Antonio, TX	Layne Christensen Co - Houston, TX	Andrews & Foster - Athens, TX
Price						
Option # 1	\$ 152,940.00	\$ 75,160.00	\$ 76,777.00	\$ 89,807.00	\$ 96,125.00	\$ 157,758.15
Option #1 New Wire	\$ 51,000.00	\$ 40,650.00	\$ 47,200.00	\$ 1,000.00	\$ 45,327.00	NO BID
Option # 2	\$ 206,940.00	\$ 107,100.00	\$ 124,777.00	\$ 140,757.00	\$ 133,983.00	\$ 203,417.91



CITY COUNCIL AGENDA

8/16/2016

Agenda Item: 4f

Item/Subject: Consider authorizing the City Manager to purchase storage technology for body camera video in the amount of \$66,701.17.

Initiating Department/Presenter:Neighborhood Resources

Presenter: Dr. Sherry McKibben, Neighborhood Resources Director

Recommended Motion: Move to authorize the City Manager to purchase storage technology for body camera video in the amount of \$66,701.17.

Strategic Initiative: Goal #7 - Public Safety - Provide safety and security for all citizens.

Discussion: The State authorized funding to implement a Body-Worn Camera Program grant to assist police departments in funding a Body Camera program. The Huntsville Police Department is in the process of implementing a Body Camera initiative. The City currently has five patrol officers equipped with Body Cameras as a pilot program. These Body Cameras are utilized during all interactions with citizens in the field. In order to expand this program, additional cameras are necessary along with storage for the video. The City has 58 authorized officers. This grant will provide equipment for 23 of these officers along with the storage capacity for the videos produced.

City Council accepted this award on 7/19/2016. Subsequently, staff requested a quote from HGAC Buy Board to purchase the 23 cameras. The cost was less than budgeted allowing for more grant funds to be spent on the necessary storage technology. The cost for the cameras was \$17,021.00, resulting in \$66,354.00 in remaining funding.

Cloud-based storage solutions were investigated. The use of Federal Information Processing Standard (FIPS) 140-2 encryption compliant cloud services was researched and deemed cost prohibitive due to the amount of space needed to store and retain video for 90 days. IT determined that the City would pay approximately \$82,000 annually for such a service. This number includes 23 cameras and would increase by approximately \$3,565 per camera added per year.

Staff obtained a quote from Sequel Data Systems (DIR-TSO-644) though the State of Texas Department of Information Resources (DIR) cooperative contract for hardware compatible with the current IT storage environment. This includes all of the expandable storage equipment necessary to meet the required 90-day retention policy. The system will include a management server, hard drives, licensing and storage cages (hard drive housing). The use of on-site storage would be an initial cost of \$66,701.17 with an equipment life cycle of five years. There would be an approximate one-time cost of \$2500 per camera as they are added. On-site storage was chosen because costs were significantly cheaper.

The request under consideration is for the purchase of hardware in the amount of \$66,701.17. Of this, \$66,624.00 is grant funded and the remaining \$347.17 is funding in the Information Technology Department budget.

Previous Council Action: City Council authorized the application on February 16, 2016 and accepted the award on July 19, 2016.

Financial Implications:

☒ **Item is budgeted:** \$66,701.17 is budgeted in Account # 614-559-57475; \$347.17 is budgeted in Account # 101-640-52140

Approvals: ☒ City Attorney ☒ Director of Finance ☐ City Manager

Associated Information:

- None



CITY COUNCIL AGENDA

8/2/2016

Agenda Item: 4g

Item/Subject: Consider authorizing the City Manager to sign an interlocal agreement with the Trinity River Authority (TRA) for construction, construction administration, and maintenance of a hydropneumatic tank at the Huntsville Regional Water Supply System Plant (HRWSS), for surge protection on the 30" treated water transmission line.

Initiating Department/Presenter: Public Works

Presenter: Carol Reed, Public Works Director and Y. S. "Ram" Ramachandra, City Engineer

Recommended Motion: Move to authorize the City Manager to sign an interlocal agreement with the Trinity River Authority (TRA) for construction, construction administration, and maintenance of a hydropneumatic tank at the Huntsville Regional Water Supply System Plant (HRWSS), for surge protection on the 30" treated water transmission line.

Strategic Initiative: Goal #4 - Infrastructure - Ensure the quality of the City utilities, transportation and physical structures so that the City's core services can be provided in an effective and efficient manner.

Discussion: In 2016, the City of Huntsville and TRA completed the improvements and expansion of the HRWSS. The expansion of the plant included an increase of production capacity from six (6) million gallons a day (MGD) firm capacity to twelve (12) MGD. Associated with the doubling of the firm capacity of the plant was the installation of new high service pumps which pump the finished water to the City of Huntsville Palm Street Water Plant via an eleven (11) mile long, thirty (30) inch diameter transmission line.

The original thirty (30) inch water transmission main was designed to handle the pressures created by the original plant capacity. The engineering firm of Alan Plummer Associates, Inc. (APAI) was commissioned by the City to conduct a feasibility study on the ability of the line to handle the increase in pressure and capacity when high service pumps are installed with water treatment plant expansion. The study revealed that, when high service pumps are commissioned, the 30" water transmission main can sustain pressures under normal working conditions. But, protection against sudden surges in pressures during certain operating conditions of the new high service pumps was found to be necessary to withstand and maintain the integrity of the 30" water main. For this reason, APAI has recommended the following measures to protect against surges:

- a) Provide additional air release valves and replace six of the total eighteen existing air/vacuum release valves.
- b) Provide a hydropneumatic tank on the 30" water main.

Item (a) above, the air/vacuum installation/replacement project, is currently under construction and the project is expected to be complete by early August 2016.

This agenda item is mainly pertaining to item (b) above, the installation of a hydropneumatic tank. APAI has completed the design of a hydropneumatic tank system. The location for installation of this tank is in the TRA facility, where the water treatment plant is located. Because the hydropneumatic tank

installation will be within the TRA facility and that TRA already has the capabilities in place to keep up with the operation and maintenance (O & M) of the hydropneumatic tank, both the City and TRA believes that it would be best for TRA to oversee construction and subsequently to take over the maintenance of the hydropneumatic tank at the completion of the installation. An interlocal agreement has been developed to allow the City to fund and TRA to administer the installation and for TRA to then assume operation and maintenance of the hydropneumatic tank.

Upon full execution of the interlocal agreement and full funding of the project by the City in FY 2016-2017, TRA will move forward with the project bidding. The latest cost estimate is in the \$750,000 range.

Previous Council Action: The City Council has funded a total amount \$680,000 during FY 12-13 and FY 15-16. An engineering agreement with APAI was approved in July 2015 in the amount of \$72,598. A construction contract in the amount of \$188,863.62 was awarded to 5-T Utilities for the installation and replacement of air/vacuum valves.

Financial Implications:

☐ There is no financial impact associated with this item.

☒ Item is budgeted: 701-7247-62300 "Hydropneumatic Tank" has a current balance of \$317,028
701-7250-62300 "Surge Protection" has a current balance of \$101,136

☐ Item is not budgeted:

☐ Item is estimated to generate additional revenue:

Approvals: ☐ City Attorney ☒ Director of Finance ☒ City Manager

Associated Information:

- Interlocal agreement between the City of Huntsville and the Trinity River Authority of Texas (pages 3-9)

INTERLOCAL AGREEMENT
BETWEEN THE CITY OF HUNTSVILLE, TEXAS
AND THE TRINITY RIVER AUTHORITY OF TEXAS

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

THIS INTERLOCAL AGREEMENT (Agreement) is made and entered into as of the _____ day of _____, 2016, by and between the TRINITY RIVER AUTHORITY OF TEXAS, a conservation and reclamation district operating under special and general law (Authority), and the CITY OF HUNTSVILLE, TEXAS, a home-rule municipal corporation (City). The Authority and City are herein called each a "Party" and jointly the "Parties" to this Agreement.

WHEREAS, City has retained Alan Plummer Associates, Inc. (APAI) to design a 9,250-gallon surge tank and associated appurtenances (Improvements) to be constructed on the Huntsville Regional Water Supply System (HRWSS) Plant for the purpose of providing surge protection to the City's treated water delivery system; and

WHEREAS, the Authority will own, operate and maintain the Improvements upon their construction as a part of the HRWSS Plant; and

WHEREAS, the Authority is willing to solicit bids and award and manage a construction project to construct the Improvements, provided that the City funds all necessary costs associated with the Improvement's construction including all costs associated with the bid solicitation and award, funding the construction of the Improvements, construction administration by APAI and the Authority's inspection costs; and

WHEREAS, the City desires that the Authority proceed with construction of the Project at the earliest opportunity.

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained, the Authority and City agree as follows:

ARTICLE 1

PLANS AND SPECIFICATIONS DEVELOPMENT

Within 15 days of receiving written notice (Notice to Proceed) and final plans and specifications from the City, the Authority shall solicit bids for construction of the Improvements. The estimated construction time from the issuance of a notice to proceed to the successful bidder to substantial completion of the Improvements is 300 days, which period is subject to adjustment for reasons including, but not limited to, weather delays, delays in the delivery of materials and equipment and unanticipated conditions that hinder the prosecution of the construction project.

The Authority shall have the right to review and comment on APAI's engineering plans and specifications for the Improvements prior to the issuance of final plans and specifications.

The final design, selection of materials, equipment manufacturers and resolution of design comments by the Authority shall be at the Authority's sole, reasonable discretion. The plans and specifications for the Improvements approved pursuant to this Article 1 are referred to as the "Approved Plans." After the Authority has initially approved the Approved Plans, the Authority may not thereafter modify the Approved Plans without the City's written consent, which shall not be unreasonably withheld.

The Authority shall engage APAI to conduct advertisement and bid phase services, for which the Authority shall be reimbursed by the City. These services shall require APAI to: (i) participate in one pre-bid meeting that the City shall host; (ii) prepare addenda that reflect project changes prior to the commencement of bidding; (iii) evaluate bids and recommend an award of the bid; and, (iv) provide the Authority and City with addendum items and confirmed drawings and specifications.

The Authority shall also engage APAI to conduct construction phase services, and the City shall compensate the Authority for the total expenses related to those services. The construction phase services APAI shall render include the following: (i) conduct one pre-construction meeting; (ii) participate in one progress meeting; (iii) conduct monthly site visits; (iv) review submittals from the Contractor to ensure conformity with contract documents; (v) approve monthly pay applications; (vi) respond to modifications and information requests for the Project and prepare change orders as necessary; (vii) conduct periodic site visits on the dates of progress meetings; however, APAI shall not be liable for safety on the site during and related to these visits; and, (viii) provide project management activities and quality control review.

ARTICLE 2

CONSTRUCTION OF IMPROVEMENTS

The Authority shall construct the Improvements in accordance with the procurement requirements and limitations of Texas Water Code Chapter 49. The Authority shall not execute a contract for the construction of the Improvements, and the Authority's obligation to construct the Improvements shall not accrue, until and unless the City provides the Authority funding in the amount of the bid furnished by the selected bidder, together with the estimated cost of construction administration by APAI and the Authority's inspection during construction (together the "Construction Budget"). The City shall furnish payment to the Authority in the amount of the Construction Budget within 30 days after the Authority delivers an invoice to the City. The City shall fund the Construction Budget by deposit with the Authority of immediately available funds (not a letter of credit or other security). The Authority shall utilize a fixed price contract for the construction of the Improvements in accordance with the Approved Plans.

The Authority will notify the City in writing at least 10 days prior to both: (i) the date that the Authority will formally request bids for the construction of the Improvements; and, (ii) the date that the Authority's Board of Directors votes on the approval of the selected bidder. At the City's written request, the Authority will delay either or both of the events described in subparts (i) and (ii) of the preceding sentence until further written notice from the City (a "Bid or Award Delay"). Additionally, at the City's written request, the Authority will notify potential bidders of the potential delay described in subpart (ii) so that bidders may accommodate said potential delay. If the delay in subpart (ii) lasts longer than 60 days after the bid opening, then the Authority may terminate the existing bids and may restart the bid process in accordance with the terms of this Agreement once the City delivers written notice to the Authority that the applicable

Bid or Award Delay has terminated. The City may terminate this Agreement at no cost at any time prior to the date that the City deposits the Construction Funds with the Authority pursuant to this Article 2. In the event that that Authority or City terminate this Agreement prior to the award of a bid for the construction of the Improvements, the City shall pay the Authority all costs incurred by the Authority for services rendered by APAI up through the date of said termination. Payment shall be made by the City to the Authority for said expenses 30 days after the Authority delivers an invoice to the City.

The Authority shall create on its books a separate account to be known as the "Trinity River Authority of Texas Huntsville Regional Water Supply System, Clarifier Improvements Design and Construction Fund" (the "Fund"). The Fund shall be maintained and applied by the Authority for the sole purpose of paying the costs of construction, construction administration (to be furnished by APAI) and Authority inspection related to the Improvements as provided for in this Contract. The Authority will invoice the City for the construction, construction administration and inspection upon the Authority's opening of bids to construct the Improvements. Upon payment, to be rendered upon receipt of the foregoing invoices, the Authority will credit the monies received from the City to the Fund. The City shall be responsible for any adjustments in the Fund for demonstrable shortages in the Fund for the cost of the construction, construction administration and inspection of the Improvements. If such adjustments require the deposit of additional funds, the Authority shall invoice the City and the City shall furnish such additional funding within 30 days of receipt of such invoices. Upon final completion of the Improvements and acceptance of same by the Authority, the Authority shall conduct a final cost accounting to determine the extent of any remaining unspent funds in the Fund. To the extent there is money remaining in or that should have remained in the Fund after all costs have been paid, the amount of remaining funds will be returned to the City. To the extent the remaining funds are insufficient to pay all costs associated with the Improvements, the Authority will submit an invoice for payment to the City and the City shall pay the Authority for such additional costs within 30 days of receipt of notice. The Authority will make its books and records relating to the Fund available to the City for its review during normal business hours and with advance reasonable notice.

ARTICLE 3

THIRD-PARTY BENEFICIARY

Authority agrees that City shall be an express third-party beneficiary for the purpose of enforcing the liquidated damages provision in the Authority's construction contract documents, to be executed by the Authority and its contractor, who will be constructing the improvements identified in the Agreement. The Authority agrees to include in its construction contract documents the following language:

For each calendar day of delay beyond the Contract Time for Substantial Completion, the Owner may charge Liquidated Damages in the amount of \$1,060 per calendar day and for each calendar day of delay beyond the Contract Time for Final Acceptance, but having achieved Substantial Completion, the Owner may charge Liquidated Damages in the amount of \$1,060 per calendar day. City is a third-party beneficiary for purposes of enforcement of liquidated damages pursuant to this section. Owner shall cooperate in the City's enforcement of this section, but shall not be required to be and the City shall not implead the Authority as a party plaintiff to such an action. All costs incurred by the Authority in connection to City's enforcement of this section shall be "operations and

maintenance expenses" for purposes of the Huntsville Regional Water Supply System Contract between Owner and City.

Except for the foregoing, this Agreement does not and is not intended to confer any rights or remedies upon any person or party other than the Parties.

ARTICLE 4

ADDRESSES AND NOTICE

All notices, payments and communications required herein shall be sent, respectively, to the Southern Region Manager of the Trinity River Authority of Texas at P.O. Box 1554, Huntsville, Texas 77340 and to the City of Huntsville, c/o the City Manager, at 212 Avenue M, Huntsville, Texas 77340.

ARTICLE 5

CERTIFIED NOTICE

Any notice of breach of this Agreement, notice of forfeit, or notice of force majeure by either Party shall be sent by certified mail with return receipt requested to the addresses stated above. The Parties shall have the right from time to time and at any time to change their respective addresses and both will have the right to specify as its address any other address by giving at least 15 days written notice to the other Party.

ARTICLE 6

DEFAULT

In the event that either City or Authority shall breach or fail to perform any of the provisions of this Agreement, the aggrieved Party shall promptly notify the other Party of the breach or failure to perform ("Default Notice"). In the event such breach or failure to perform is not cured within 30 days after the receipt of such notice, the Party sending the notice, at its discretion, may notify the other Party of its intention to declare this Agreement terminated. Upon receipt of such notice the violating Party shall have 30 days to cure such violation or if the violation cannot reasonably be cured in 30 days, such longer time as is reasonably required not to exceed 90 days if within 15 days of receiving the notice the defaulting Party commences to cure the default and thereafter continuously and diligently pursues the cure prior to final action by the other Party declaring this Agreement terminated. Any notice requirement under the terms of this Article shall be in writing and shall be delivered by certified mail in accordance with Articles 4 and 5 above.

No failure on the part of either Party to this Agreement to require the performance by the other Party of any provision of this Agreement shall in any way affect either Party's right to enforce such provision, nor shall any waiver by either Party be held to be a waiver of any other provision. No rights under this Agreement may be waived and no modification or amendment to this Agreement may be made except by written amendment executed by the Parties.

ARTICLE 7

SEVERABILITY

The Parties hereto agree that if any of the provisions of this Agreement are held to be invalid or to contravene Texas law, or the laws of the United States, such fact shall not invalidate the entire Agreement, but it shall be construed as though not containing that particular provision, and the rights and obligations of the Parties shall be construed and remain in force accordingly.

ARTICLE 8

ASSIGNMENT

The Parties understand and agree that this Agreement may not be assigned without the express written consent of other Party except to a successor entity created by law to take over substantially all of the functions for which the Party now has responsibility. However, no assignment to a successor entity shall relieve a Party from liability pursuant to this Agreement without the agreement of the other Party, which agreement may be withheld.

ARTICLE 9

VENUE

The place of performance as agreed to by the Parties to this Agreement shall be Tarrant County, Texas. In the event any legal proceeding is brought to enforce this Agreement or any provision hereof, the same shall be brought in said Tarrant County, Texas.

ARTICLE 10

FORCE MAJEURE

In the event that the performance by the Parties hereto of any of the Parties' obligations or undertaking hereunder shall be interrupted or delayed by an occurrence beyond the reasonable control of that Party (the "Affected Party") and not occasioned by the conduct of or the failure to take action by either Party hereto, whether such occurrence be an act of God or the common enemy or the result of war, riot, civil commotion, sovereign conduct, or the act or conduct of any person or persons not party or privy hereto ("Force Majeure Event"), then the Parties shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof. Notwithstanding the preceding sentence, economic conditions that render a Party's performance of this Agreement unprofitable or otherwise uneconomic will not be a Force Majeure Event. Additionally, the Affected Party:

1. Will give prompt notice to the other Party of any Force Majeure Event;
2. Use its best efforts to mitigate the effects of such Force Majeure Event as promptly as reasonably practicable;
3. Furnish weekly reports to the other Party regarding the progress in overcoming the adverse effects of such event or circumstance of the Force Majeure Event; and

4. Resume the performance of its obligations under this Agreement as soon as is reasonably practicable after the Force Majeure Event is remedied or ceases to exist. No damages shall be recoverable from Authority by City by reason of the suspension of the delivery of water due to any of the causes above mentioned, and no failure of Authority to meet any obligations by reason of force majeure shall relieve City from its obligations to make payments required under the terms of this Agreement.

ARTICLE 11

STATE OR FEDERAL LAWS, RULES, ORDERS OR REGULATIONS

This Agreement is subject to all applicable federal, state and local laws and any applicable ordinances, rules, orders and regulations of any local, state or federal governmental authority having or asserting jurisdiction. Nothing contained herein shall be construed as a waiver of any right to question or contest any such law, ordinance, order, rule or regulation in any forum having jurisdiction, and each Party agrees to make a good faith effort to support such proposed laws and regulations which would be consonant with the performance of this Agreement in accordance with its terms. The City acknowledges that it is responsible for securing the authorization of the Texas Commission on Environmental Quality for any new, not previously authorized, points of diversion of water diverted pursuant to this Agreement.

ARTICLE 12

INDEMNITY

SUBJECT TO AND WITHOUT WAIVING IMMUNITIES AND DEFENSES, TO THE EXTENT IT LEGALLY MAY, THE PARTIES HEREBY AGREE TO INDEMNIFY EACH OTHER AND PROVIDE A LEGAL DEFENSE FOR AND/OR HOLD EACH OTHER HARMLESS FROM AND DEFEND EACH OTHER AGAINST ANY CLAIM THAT MAY ARISE IN CONNECTION WITH OR THAT ARISES AS A RESULT OF THIS AGREEMENT.

ARTICLE 13

EFFECTIVE DATE

The Effective Date of this Agreement is _____.

IN WITNESS WHEREOF, the Parties hereto acting under authority of their respective governing bodies have caused this Agreement to be duly executed in several counterparts, each of which is deemed to be an original and as of the day and date written above.

[REMAINDER OF PAGE INTENTIONALLY BLANK, SIGNATURE PAGE FOLLOWS]

TRINITY RIVER AUTHORITY OF TEXAS

CITY OF HUNTSVILLE, TEXAS

J. KEVIN WARD, General Manager

ANDY BRAUNINGER, Mayor

ATTEST:

APPROVED AS TO FORM:

HOWARD S. SLOBODIN, Secretary
Board of Directors

LEONARD SCHNEIDER, City Attorney

(SEAL)

(SEAL)



CITY COUNCIL AGENDA

8/16/2016

Agenda Item: 5e

Item/Subject: Consider authorizing the City Manager to sign Addendum B, in the amount of \$7,216,725.00, to the Construction Manager at Risk (CMAR) Agreement with Garney Construction for Town Creek Drainage Improvement Project, first reading.

Initiating Department/Presenter: Neighborhood Resources, Engineering

Presenter: Sherry McKibben, Y.S. Ramachandra

Recommended Motion: FIRST READING - Move to authorize the City Manager to sign Addendum B, in the amount of \$7,216,725.00, to the Construction Manager at Risk Agreement with Garney Construction for Town Creek Drainage Improvement Project.

Strategic Initiative: Goal #4 - Infrastructure - Ensure the quality of the City utilities, transportation and physical structures so that the City's core services can be provided in an effective and efficient manner.

Discussion: In November 2015, the City Council authorized the City Manager to enter into a CMAR contract with Garney Construction (Garney) for pre-construction services for the Town Creek Drainage Project. Since that time, Garney has worked with the City's contracted engineering firm, RPS Klotz Associates, on completion of the design and value engineering of the drainage structures.

As a requirement in their role as CMAR for this project, Garney advertised Request for Proposals (RFP) for the remaining portions of this project. This includes a) underground structures; b) identified open channels; and c) sewer line relocation. Interested contractors were free (and encouraged) to bid on as much or little of the available work as they wished. Garney contacted multiple contractors to solicit proposals for each of the parts of this package in addition to posting the bid on CivCast and the City of Huntsville website, and advertising in the Huntsville Item. This RFP was released for five (5) weeks to allow adequate time for pre-bid meeting solicitation preparation.

Proposals were opened on July 21, 2016. One (1) bid was received for underground structures (from Garney itself), two (2) bids were received for open channels, and no bid was received for utility relocations.

The proposals were evaluated by a team consisting of the Engineer (Klotz), Contractor (Garney), and City staff. Garney was not included in the evaluation for the underground portion of the project since they submitted that proposal.

The team met on August 1, 2016, to review the costs and sections of the project to evaluate the best course of action for the City in order to maintain at least the 25-year storm event drainage and stay within the budget and grant constraints. The FEMA grant requires the project to be constructed to accommodate a minimum of a 25-year storm event (9"/hour).

This agenda item is to amend Garney's Construction contract to include the guaranteed maximum price for the construction of the underground structures portion of the Town Creek Project, in the amount of \$7,216,725.00. This Addendum (Addendum B) includes four (4) sections of underground structures and seven (7) street crossings (see Attachment B). The sections of underground are located from Avenue N

to 11th Street, 14th Street to Sam Houston Avenue, Sam Houston Avenue to University Avenue, and University Avenue to 14th Street. The Streets that are included are 7th Street, 10th Street, Avenue N, 13th Street, Sam Houston Avenue, University Avenue, and 14th Street. Remaining portions of the Town Creek Project will be brought to the Council's consideration at later meetings, as and when the staff is ready to recommended additional work to be completed within available funds.

Therefore, the following summary illustrates the steps and the deliberations taken by Klotz, Garney and Staff in bring forth this agenda items for Council's consideration:

1. All bids and sections of Town Creek were evaluated by Klotz (Consulting Engineer), Garney (CMAR), and City staff to determine the most critical elements of the project and how each section affects the overall objective of the project (provide drainage).
2. The detention facility at SHSU was identified as the most critical part of the project and will detain enough water for a 100-year storm event (11"/hour). The grant requires accommodating a minimum of 25-year storm event (9"/hour). Leveraging the investment made in the SHSU detention ponds has resulted in the City's ability to mitigate the flooding in the channel and be more strategic to deal with the underground structures.
3. If Council approves moving forward with the current Addendum, the project does meet the FEMA grant requirement of ensuring capacity to handle the 25-year storm event.
4. In considering the sections to include, the budget was evaluated to ensure that the City got the most drainage for the available funds. The current funds for the construction are \$7,796,645.00. If Council chooses to award Addendum B which is under consideration, the remaining construction funds available would be \$579,920.00.

Should the City Council wish to suspend the Rules of Procedure in order to adopt the item on the first reading, the following motion will suffice:

I move to suspend the City Council Rules of Procedure requirement for a second reading in accordance with its provision in Section 9 and, upon a two-thirds vote of the members of the City Council present, authorize the City Manager to sign Addendum B, in the amount of \$7,216,725.00, to the Construction Manager at Risk Agreement with Garney Construction for Town Creek Drainage Improvement Project.

Previous Council Action: Council awarded Amendment A for the construction of the detention pond on May 17, 2016. This part of the project is well underway and scheduled for completion in September.

Total amount contracted to Garney to date is \$2,747,050.20. On June 7, 2016, the City Council approved a \$68,750.00 amendment to the pre-construction contract for Garney to perform sub-surface utility (SUE) locates on the underground structures. The total cost to the City was \$57,425.00. Twenty-two utilities were located that were not known to exist. This information was conveyed to the potential proposers with an addendum to the RFP. This information was included in the City Manager's Friday memo on July 29, 2016.

Financial Implications:

☒ **Item is budgeted:** The remaining amount budgeted for construction is \$7,796,645.00 in account #702-7140-62300. This would leave \$579,920.00 remaining in construction for the project.

Approvals: ☒ City Attorney ☒ Director of Finance ☒ City Manager

Associated Information:

- Attachment A – Cost estimate (page 3)
- Attachment B – Map of project (page 4)
- Attachment C – Budget (page 5)
- Addendum B (page 6)
- Exhibit #1 - GMP for Underground Structures (page 7)

Attachment A – Cost Estimates

	CMAR Estimate from 90%	Construction Bid Packages			SHSU Reimbursables	Extra Work	Total Bid
		Base Bid	Difference from CMAR estimate	Asbestos/Lead			
Detention Basin	\$1,488,669.84	\$1,388,054.20	-\$100,615.64	\$33,071.00	\$17,300.00		\$1,438,425.20
Channel Improvements	\$2,124,796.66	\$2,378,819.80	\$254,023.14			\$629,750.00	\$3,008,569.80
Underground Structures	\$7,613,698.92	\$7,183,643.00	-\$430,055.92	\$410,000.00		\$512,500.00	\$8,106,143.00
Sewer Line Relocate	\$1,148,433.00	No Bid Received					
Total	\$12,375,598.42			\$443,071.00		\$1,142,250.00	\$12,553,138.00
3 Packages Base Bid Total	\$11,227,165.42	\$10,950,517.00	-\$276,648.42				
Percentage Difference			-2.46%				



Town Creek Drainage Project Huntsville, TX





1333 NW Vivian Road, Kansas City, MO 64118
Phone: 816.741.4600
Fax: 816.741.4488
www.garney.com

Mr. Matt Benoit
City Manager
City of Huntsville, Texas

August 10, 2016

RE: Town Creek Drainage Project – Addendum B – Underground Drainage Structures

Mr. Benoit-

Garney Companies respectfully requests the City of Huntsville issue an Addendum to the current Contract for CMAR services on the above referenced project to include the construction of the **Underground Drainage Structures** as included in CMAR Bid Package 2.02 with the modification of removing the Avenue I and Avenue M crossings from the Scope of Work and reducing the Quantity of 10' x 8' RCB at the 10th Street Crossing from 225 LF to 160 LF and other design modifications in this area to accommodate the double parallel run of RCB. We request this addendum include authorization for Garney to begin construction for this Scope of Work per the itemized Schedule of Values for a total Amendment amount of **\$7,216,725.00**.

Additional detailed information regarding the specific scope of work for the Underground Drainage Structures can be found in the plans, specifications, and contract information provided as a part of Bid Package #2, SOV 2.02 as well as the modified Scope of Work for 2.02 attached as "Attachment A." Please let us know if additional information is required by the City to issue this Addendum to the Contract.

Respectfully,

GARNEY COMPANIES, INC.

A handwritten signature in black ink, appearing to read "David Burkhart", written over a horizontal line.

David Burkhart
Operations Manager



CITY COUNCIL AGENDA

8/16/2016

Agenda Item: 5f

Item/Subject: Consider authorizing the City Manager to sign an agreement with Rogers-O'Brien for Construction Manager At-Risk Services for the Sam Houston Statue Visitor Center and Gift Shop.

Initiating Department/Presenter: Tourism & Cultural Services

Presenter: Aron Kulhavy, Director of Community & Economic Development
Kimm Thomas, Director of Tourism & Cultural Services

Recommended Motion: Move to authorize the City Manager to sign an agreement with Rogers-O'Brien Construction for Construction Manager At-Risk Services (CMAR) for the Sam Houston Statue Visitor Center and Gift Shop.

Strategic Initiative: Strategic Initiative #3 - Huntsville residents enjoy and benefit from an attractive city with beautiful parks and lifelong educational and cultural opportunities.

Discussion: After approving the contract with PGAL for design and construction oversight services for the Sam Houston Statue and Visitor expansion in March, staff began the process to solicit and recommend hiring a Construction Manager At Risk (CMAR) for the project. The benefits afforded to the project by using a CMAR for this project were presented to the Council in the May 13th Friday memo.

Staff worked with the architect for this project in preparing the RFP documents and with their assistance for soliciting interest in the project. The purchasing office solicited responses by sending the request to eighteen different firms and through seven means of mass distribution. Proposals were received on July 12th from five different companies. The five responses were from Dudley Construction, J. E. Kingham Construction, Legacy Builders, Rogers O'Brien Construction, and Timberline Constructors.

The written responses were evaluated, and it was determined all five of the companies would be interviewed in order to make the best selection. Those participating in the evaluation process were Aron Kulhavy, Dustin Riley (Project Manager, Engineering), Jamie Matthews and Kimm Thomas from the Statue, and James Anderson with PGAL. Upon completion of the evaluation of the submittal and the interview process, the committee unanimously decided to enter into negotiations with Rogers-O'Brien for CMAR of the Visitor Center project. The committee selected them chiefly for the three following reasons:

1. Rogers O'Brien has extensive experience in the CMAR process and has successfully completed numerous projects where daily operations continued while the construction was ongoing. Examples of this include the SMU Gerald Ford stadium renovations and the J. Frank Dobie Pre-Kindergarten Village.
2. Rogers-O'Brien, in a thorough and very detailed fashion, addressed all of the information requested in the RFP. They also brought the team that will handle the Visitor Center project to the interview process.
3. They have a proven track record of delivering projects on time, within budget and returning any cost savings to the owner. CMAR projects where they worked with local governments include Municipal Court and Police in Rockwall, Copperas Cove Police facility, and the University Park public library. Staff checked references on many of their projects and all of the responses were

positive in dealing with this company.

The team proposed by Rogers-O'Brien will give the City the best opportunity to bring the project in on budget and to get the most and highest quality building for the allocated budget.

After the selection of Rogers-O'Brien for this project, staff began negotiations and the contract review process. The City staff and the contractor have agreed on compensation as follows: 4.5% overhead rate, \$5,000 pre-construction fee, and a 7.87% construction fee with some reimbursables for insurance related to future subcontractors. The details of the contract document are still under review by staff and the City Attorney. This agenda item will authorize the City Manager to execute the contract document with the fees as outlined in the attachment.

Previous Council Action: The City Council included in their 2015 Strategic Plan the desire to complete a needs assessment for a new facility at the Visitor's Center. The Council had numerous presentations on the needs assessment findings at workshops and Council meetings. On March 15, 2016, Council authorized the City Manager to approve an agreement with PGAL Architects to complete design and provide construction observation services for a remodel and expansion to the Sam Houston Statue and Visitor Center and amend the fiscal year 2015-2016 budget and CIP budget appropriating Hotel Occupancy Tax Unallocated Reserves for the design.

Financial Implications: For the \$5,000 preconstruction portion of the contract, the item is budgeted in the account below.

☒ **Item is budgeted:** 815-81558-62111 In the amount of \$40,000

For the 12.37% fee for the construction portion of the contract, this part will be budgeted if and when the Council approves the construction of the Visitor Center expansion. With an estimated construction cost of \$1.2 million, this fee is approximately \$150,000.

Approvals: ☐ City Attorney ☒ Director of Finance ☒ City Manager

Associated Information:

- CMAR RFP for the Sam Houston Statue Visitor Center, p. 3-4
- CMAR Distribution List, p. 5
- Letter of fee proposal from Rogers O'Brien, p. 6



City of Huntsville
1212 Avenue M
Huntsville, TX 77340

REQUEST FOR PROPOSALS

Construction Manager at Risk

The City of Huntsville, TX is seeking a qualified contractor to team with PGAL Architects to serve as the Construction Manager at Risk (CMAR) for an expansion and remodel of the Sam Houston Statue Visitors Center and Gift Shop utilizing the two step process. Involvement with PGAL Architects in the design and providing primary cost-estimating services for the project are expected.

Project History

In April 2015, the City of Huntsville, Texas engaged PGAL Architects (lead by Jeff Gerber in the Houston office) to perform a space needs assessment of the Visitors Center and Gift Shop that accompanies the General Sam Houston Statue that is visible from IH 45.

In October 2015, PGAL Architects completed their space needs assessment and began the process of presenting the results to the City Council, a citizen board and City staff. The completed needs assessment can be viewed on the City Managers web page at <http://www.huntsvilletx.gov/387/City-Manager>. The original needs assessment recommends a newly-constructed 4,088 square foot facility to accompany a remodel of the existing Visitors Center and Gift Shop (2,242 square feet) for a total estimated cost of \$1,850,000. This estimate is inclusive of soft costs (architectural and engineering costs), construction contingencies, furnishings, site work for parking spaces, etc. Discussions about the project have revealed very strong price sensitivity towards the project on behalf of the City Council. After further discussion, the Council has indicated a desire to deliver the project at a total estimated cost of not more than \$1,500,000 (ideally \$1,200,000 to \$1,300,000) without reducing the square feet of new construction or the remodeling plans to the existing facilities. Subsequent discussions with PGAL Architects indicate that budget range is realistic to accomplish. However, the team selected for this project is going to need to be creative and flexible to help design and construct the best product possible for the available budget. The City has determined a Construction Manager at Risk delivery method in which the contractor is involved in design and cost estimating is likely to enhance the probability of a successful on-time and on-budget delivery.

The Visitor Center's operating hours are 9am to 5pm Monday – Friday; 10am to 5pm Saturday and 11am to 5pm Sunday. During the construction of this project the Visitor Center will remain open during all business hours and days. Once the construction begins there will be an expectation of a swift completion date. The City staff will prepare the RFP evaluations and present to council as soon as possible.

Proposed Services

In addition to providing the customary design and construction services the selected firm must have one person assigned to the project to provide public communication and interactions in all phases of this project. The award firm should be prepared to bring forward all aspects of value engineering while keeping the City's best interest in mind at all times.

Proposal Requirements

Proposal should be limited to no more than 15 single sided pages. The City's RFP should be included in the packet and will not be counted toward the 15 pages. The proposal should be accompanied by a brief introductory letter stating your firm's contact information and explain your interest in the Visitor Center Project.

The proposal should contain the following elements:

A. Project Approach: Provide a clear concise statement of the general approach your firm will take in working as a team with both PGAL Architects and the City of Huntsville. Include a description of your firm's best/favorite/most effective methodology that would be used for this project. The firm must

describe in detail how they will coordinate/work with staff and visitors of the complex on notifications of work zone, construction schedule and/or changes. Identify which team member will be responsible for coordinating all communications with citizens and city staff. 20 Points

B. Scope of Work Task Breakdown: Based on generalized proposed services outlined above, provide a breakdown of the proposed tasks and subtasks which will be utilized on this project. Any tasks or subtask that you assume to be accomplished by the City staff and the general level of participation expected from the City should be identified. Include a scheduled timeline from date notice to proceed is issued to best known completion date. 30 Points

C. CMAR Qualifications: Provide a memorandum detailing comparable CMAR experience and qualifications with assisting local governments with similar construction projects. The memorandum should include names and contact information on the architect and/or engineering firms which your firm was associated with. Include a listing of the three most significant CMAR projects which have been completed by your firm. Indicate the scope of work, date, engagement partners, original budget, final contract, time allowed versus time to completion and contact information for the principal client. A list of your firm's personnel, their qualifications and what their specific involvement will be with this project must be included. 50 Points

Proposal Format

Firms are required to submit all responses in a sealed package and delivered to the City of Huntsville, City Secretary's Office, RFP # 16 - 15, 1212 Avenue M, Huntsville, TX 77340. To be considered all responses must be received by July 12, 2016 2:00 p.m. Central Standard Time. The responding firms are required to submit one original signed RFP packet and four additional copies of their packet. The City reserves the right to waive any irregularities or reject any and all proposals.

- The responses are to include tabs A-C (reference evaluation criteria above);
- Each section is to be written precise and directly explain/narrate the requested item;
- Item C should include a table with headings, with responses in the appropriate columns.

Should your firm have any questions concerning this RFP, please contact Billie Smith; she may be reached at bsmith@huntsvilletx.gov.

Additional Information

A non-mandatory pre-RFP opening meeting has been scheduled for June 20, 2016 at 10:00 am. The meeting will be held at the Sam Houston Statue Visitors Center and Gift Shop 7600 SH 75 S Huntsville, TX 77340. The purpose of this meeting is to have staff available for questions and allowing potential firms access to the visitor center complex and grounds.

Once the top ranked firm(s) is determined, proposed fee and pricing for fulfilling the general conditions will be requested. At any time should the top ranked firm be excused or contract terminated the City reserves the right to open discussions with the next ranked firm. This will continue until a firm is found that meets the needs of the City. Prior to issuing the Notice to Proceed firms will be required to sign a contract along with fulfilling bonding, insurance and other necessary forms required by the City.

RFP 16-15 Firm Name: _____

Signature

Date

RFP # 16-15

July 12, 2016

CMAR - Sam Houston Visitor Center

2:00 PM Central Standard Time

Solicitation List



Number	Vendors	Location
1	Bass Construction	Rosenberg, TX
2	Drymalla Construcion	Houston, TX
3	Morganti Construction	Houston, TX
4	Durotech Construction	Houston, TX
5	Rogers Obrien Construction	Houston, TX
6	Christensen Building Group	Houston, TX
7	Crain Group	Pearland, TX
8	Teal Construction	Houston, TX
9	Turner Construction	Tomball, TX
10	Manhattan Construction	Houston, TX
11	EE Reed	Sugar Land, TX
12	Gilbane Construction	Spring, TX
13	Legacy Builders	Huntsville, TX
14	Davis Construction	Huntsville, TX
15	Grisham Construction	Huntsville, TX
16	J&M Construction	Huntsville, TX
17	Markham Construction	Huntsville, TX
18	Sold Bridge Construction	Huntsville, TX
19		
Number	Mass Distribution	Viewed
1	City of Huntsville Web Site	Not Tracked
2	Virtual Building Exchange	Not Tracked
3	isqFt	Not Tracked
4	Bid Clerk	Not Tracked
5	Amtek Plan room	Not Tracked
6	Dodge Report	Not Tracked
7	Huntsville Item	Not Tracked



Rogers-O'Brien
CONSTRUCTION

August 8, 2016

The City of Huntsville
City Secretary's Office
RFP # 16-15
1212 Avenue M
Huntsville, Texas 77340

Reference: Expansion and Remodel
Sam Houston Statue Visitors Center and Gift Shop

Dear Mr. Kulhavy,

Please find below our adjusted rates as per the sample contract received from the City of Huntsville on Wednesday August 3, 2016.

- A. Overhead Rate: 4.5% (Four and One Half Percent)
 - a. Our Overhead Rate includes Project Management Staff (Field Supervision and other expendables will be included in the Cost of Work)
- B. Preconstruction Fee: \$5,000 (Five Thousand and No/100 Dollars).
- C. Construction Fee: 7.87%
 - a. Main office related overhead expenses.
 - b. Profit
 - c. General Liability Insurance
 - d. Umbrella Insurance
 - e. Payment and Performance Bond

Subcontractor default insurances, at a rate of 1.25% of subcontracted values, are to be included within the cost of the work as a reimbursable expense.

We look forward to discussing these items along with our comments on the sample contract.

Best regards,

Craig Glenn
Director of Operations

Nominations for 8/16/16

Below are initial (not comprehensive) appointments for unexpired or open terms, and/or those expiring August 31, 2016. Additional nominations are expected throughout September.

Arts Commission

Margaret Smith - reappointment

Cemetery Advisory Board

Dennis Reed - reappointment

Hotel Occupancy Tax Board

Ann Hodges - reappointment

Huntsville Housing Authority

Linda Roberts – initial appointment

Huntsville Public Library Board

Jim Hanscom – initial appointment

Eddene Smith - reappointment

Planning Commission

Tommy Cummings – reappointment

Veterans Affairs Board

Jeanine Jacoby – initial appointment

Board of Adjustments – Zoning (ZBA)

Mari Montgomery - reappointment



CITY COUNCIL AGENDA

8/16/2016

Agenda Item: 6b

Item/Subject: Consider proposal by Councilmembers Olson and Johnson to approve, and authorize the City Manager to sign, an interlocal agreement between the City of Huntsville and the Texas Department of Criminal Justice for water service to the Ellis and Estelle Units.

Initiating Department/Presenter: City Manager

Presenter: Matt Benoit, City Manager; Steve Ritter, Director of Finance

Recommended Motion: Move to approve, and authorize the City Manager to sign, an interlocal agreement between the City of Huntsville and the Texas Department of Criminal Justice for water service to the Ellis and Estelle Units.

Strategic Initiative: Goal #7 - Finance - Provide a sustainable, efficient and fiscally sound government through conservative fiscal practices and resource management.

Discussion: In 1995, the City of Huntsville executed an agreement with the Texas Department of Criminal Justice (TDCJ) to supply water to the Ellis and Estelle Units (the "units"). The units are approximately 13 miles north of the city limits along FM 980. The 1995 agreement is somewhat unclear as to the expiration date, but, in any case, the latest possible date appears to be September 30, 2016 (TDCJ began taking water and was billed in September 1996).

Presently, the rate paid by TDCJ for these units is \$2.32/1,000 gallons of water used. In addition, TDCJ has been reimbursing the City for the debt service on the line constructed to serve these two facilities. Based on usage, that added \$0.54 to the rate for a total rate of \$2.86/1,000 gallons of water used.

With an estimated 545,259,000 gallons to the units, annual revenue (including the debt service on the water line that supplies water to the units) is approximately \$1,553,177. Presently, users in the city limits in the same Institutional "customer class" pay \$6.26/1,000 gallons. Further, Ordinance 2002-21 states that customers outside the City limits shall pay a 25% surcharge for City water service (rates are 125% of the inside City limits rates), bringing the current charge to \$7.82/1,000 gallons.

This item was brought to the City Council in May. The proposal submitted for Council consideration by Councilmembers Olson and Johnson at this time is a five-year phase-in to the midpoint between the in-City and out-of-City rate. Should the Council continue to implement the results of the (2011) rate study (as it has for the last five years), the rates paid and revenue to the City will be as follows:

	In-City Institutional Rate	Proposed TDCJ Rate	Out-of-City Institutional Rate	Usage (x1,000)	Current Revenue (excluding debt service pass through charge)	New Revenue	Additional Annual Revenue
FY 2017	\$ 6.33	\$ 3.47	\$ 7.91	545,259	\$ 1,265,001	\$ 1,894,720	\$ 629,720
FY 2018	\$ 6.42	\$ 4.22	\$ 8.03	545,259	\$ 1,265,001	\$ 2,302,085	\$ 1,037,085
FY 2019	\$ 6.50	\$ 5.13	\$ 8.13	545,259	\$ 1,265,001	\$ 2,797,034	\$ 1,532,033
FY 2020	\$ 6.59	\$ 6.23	\$ 8.24	545,259	\$ 1,265,001	\$ 3,398,396	\$ 2,133,395
FY 2021	\$ 6.67	\$ 7.50	\$ 8.34	545,259	\$ 1,265,001	\$ 4,091,487	\$ 2,826,486
FY 2022	\$ 6.87	\$ 7.73	\$ 8.59	545,259	\$ 1,265,001	\$ 4,214,170	\$ 2,949,170
FY 2023	\$ 7.08	\$ 7.97	\$ 8.85	545,259	\$ 1,265,001	\$ 4,342,988	\$ 3,077,987
FY 2024	\$ 7.29	\$ 8.20	\$ 9.11	545,259	\$ 1,265,001	\$ 4,471,805	\$ 3,206,804
FY 2025	\$ 7.51	\$ 8.45	\$ 9.39	545,259	\$ 1,265,001	\$ 4,606,757	\$ 3,341,756
FY 2026	\$ 7.74	\$ 8.71	\$ 9.68	545,259	\$ 1,265,001	\$ 4,747,843	\$ 3,482,842
FY 2027	\$ 7.97	\$ 8.97	\$ 9.96	545,259	\$ 1,265,001	\$ 4,888,929	\$ 3,623,928
FY 2028	\$ 8.21	\$ 9.24	\$ 10.26	545,259	\$ 1,265,001	\$ 5,036,148	\$ 3,771,148
FY 2029	\$ 8.45	\$ 9.51	\$ 10.56	545,259	\$ 1,265,001	\$ 5,183,368	\$ 3,918,367
FY 2030	\$ 8.70	\$ 9.79	\$ 10.88	545,259	\$ 1,265,001	\$ 5,336,722	\$ 4,071,722

The attached Interlocal Agreement proposes an expiration date of September 30, 2056 (or 40 years from October 1, 2016). In the most simplistic terms, this agreement:

1. Provides a five-year phase-in to the discounted rate. Based on usage, the savings to TDCJ over the five-year period will be an estimated \$7.22 million.
2. Thereafter, TDCJ will save an average of \$520,000 annually with a 50% volume discount between the in-City and out-of-City rate. The City's 2011 Rate Study only projects out through 2030. The 50% volume discount will save TDCJ over \$5.2 million through 2030.
3. The agreement positions the rate at the 50% volume discount for the remainder of the agreement. In the event a future City Council lowers or raises water rates, the 980 units will adjust automatically.

Previous Council Action: A similar item was recommended to the City Council back in May. The item was postponed to a date certain by the City Council.

Financial Implications:

☒ **Item is not budgeted:** Depending on the Council's decision on this issue, City staff will budget for additional revenue in the Fiscal Year 2016-2017 budget.

☒ **Item is estimated to generate additional revenue:** Additional revenue is noted in the chart on page 2.

Approvals: ☒ City Attorney ☒ Director of Finance ☒ City Manager

Associated Information:

- Request by Councilmembers Olson and Johnson to place this item on the agenda (page 3)
- Proposed interlocal agreement (pages 4-7)

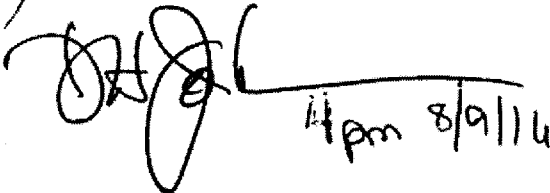
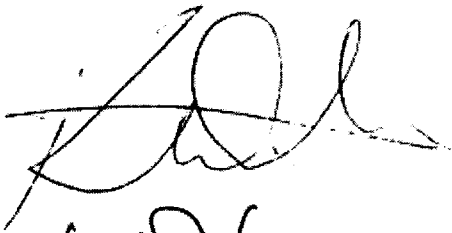
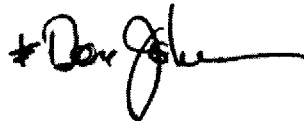
August 9, 2016

Please print this proposed agenda item so I can come by city hall shortly and sign the paper as to me our deadline for the next council meeting.

Please prepare all necessary documents for the City Council to consider an agreement w/ TDCJ for water service at the Ellis and Estelle Units that increases the current rate to 1/2 way between in-City and out-of-City rate, phased in over 5 years and adjusts automatically as the Council adjusts water rates. Recommended motion is for approval at 8/16 Council meeting.

Regards,

Keith D. Olson



4pm 8/9/16

INTERLOCAL AGREEMENT
BETWEEN CITY OF HUNTSVILLE AND TEXAS DEPARTMENT OF CRIMINAL JUSTICE
FOR THE PROVISION OF VARIOUS ECONOMIC DEVELOPMENT SERVICES

This Agreement is entered into by the City of Huntsville (City) and Texas Department of Criminal Justice (TDCJ) pursuant to the Interlocal Cooperation Act, Texas Government Code Chapter 791.

WHEREAS, In 1995, the City entered into an Agreement To Provide Potable Water To The TDCJ Units In The FM 980 Area (herein referred to as "The Agreement"); and

WHEREAS, The Agreement will expire on September 30, 2016; and

WHEREAS, Now that The Agreement will be expiring and TDCJ desires to have the Ellis and Estelle Units provided water service by the City, it is important to adjust the rates in line with other users in the same customer class as the Ellis and Estelle Units; and

WHEREAS, The City recognizes the importance of TDCJ to the community as its largest employer and wishes to phase the water rate increases incrementally.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TX:

I. Definitions

"Baseline Rate" – Is \$2.86 per 1,000 gallons consumed.

"Phase-in rate" – Equals an amount of money per/1,000 gallons of water used by TDCJ that is 21.5% higher than the rate paid for the previous year, effective October 1 of each year.

"Established rate" – Equals an amount of money per 1,000 gallons of water used by TDCJ that is 12.5% higher than the rate adopted by the City Council from time to time for all other TDCJ prison units within the City limits for that year.

II.

Beginning on the October 1, 2016, and ending on October 1, 2020, TDCJ shall pay a rate for the Ellis and Estelle prison units equal to the lesser of the phase in-rate or the established rate, as shown in the attached Exhibit "A". The baseline for computing the phase-in rate for October 1, 2016 shall be the baseline rate. Beginning October 1, 2020 and continuing until the termination of this agreement, the rate charged shall be the established rate.

The City shall invoice TDCJ for monthly usage. The agreement will terminate on September 30, 2056.

III.

TDCJ agrees that the water delivered to its facilities under this agreement shall be the primary source of water for the units served under the arrangement herein described; and that alternate water sources shall be used by TDCJ only if, and only as long as, the City and TRA are unable to deliver water to TDCJ under this agreement.

IV.

This is the complete and entire Agreement between the Parties with respect to the matters herein and supersedes all prior negotiations, agreements, representations, and understandings, if any. This Agreement may not be modified, discharged, or changed in any respect whatsoever except by a further agreement in writing duly executed by the parties hereto. No official, representative, agent or employee of Texas Department of Criminal Justice, Texas has any authority to modify this Agreement, except pursuant to such express authority as may be granted by the Board of Regents of Texas State TDCJ System. No official, representative, agent or employee of the City of Huntsville, Texas has any authority to modify this Agreement, except pursuant to such express authority as may be granted by the City Council of Huntsville, Texas. If any provision of this agreement or its application to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Contract shall not be affected and shall remain valid and enforceable to the fullest extent permitted by law.

V.

The Parties agree to execute such other and further instruments and documents as are or may become necessary or convenient to carry out the purposes of this Agreement.

VI.

This Agreement shall be construed under the laws of the State of Texas.

VII.

Nothing in this Agreement, express or implied, is intended to confer upon any person, other than the Parties hereto, any benefits, rights, or remedies under or by reason of this Agreement.

VIII.

Unless otherwise provided in this Agreement, any notice herein provided or permitted to be given, made or accepted by either party must be in writing and may be given by depositing the same in the United States mail postpaid, return receipt requested or by delivering the same to an officer of such party, or by prepaid telegram addressed to the party to be notified. Notice deposited in the mail in the manner described above shall be conclusively deemed to be effective from and after the expiration of three (3) days after it is so deposited. Notice given in any other manner shall be effective only if and when received by the party to be notified.

For the purposes of notice, the addresses of the parties shall be as follows:

If to TDCJ:

If to the City:

City Manager
1212 Avenue M
Huntsville, TX 77340

The parties shall have the right from time to time to change their respective addresses, and each shall have the right to specify as its address any other address in the State of Texas by at least fifteen (15) days' written notice to the other party.

IX.
Hold Harmless

To the extent permitted by State law, each party does hereby agree to waive all claims against, release, and hold harmless the other and its respective officials, officers, agents, employees, in both their public and private capacities, from any and all liability, claims, suits, demands, losses, damages, or cause of action which may arise by reason of injury to or death of any person or for loss of, damage to, or loss of use of any property arising out of or in connection with this Agreement.

In the event of joint or concurrent negligence of the parties, responsibility, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas without, however, waiving any governmental immunity available to any party individually under Texas law. Each party shall be responsible for its sole negligence. The provisions of this paragraph are solely for the benefit of the parties hereto and are not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

X.
Immunity

It is expressly understood and agreed that, in the execution of this Agreement, no party waives, nor shall be deemed to have waived any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the parties do not create any obligations, expressed or implied, other than those set forth herein, and this Agreement shall not create any rights in parties not signatories hereto.

XI.

Failure of any party, at any time, to enforce a provision of this Agreement, shall in no way constitute a waiver of that provision, nor in anyway affect the validity of this Agreement, any part hereof, or the right of either party thereafter to enforce each and every provision hereof. No term of this Agreement shall be deemed waived or breach excused unless the waiver shall be in writing and signed by the party claimed to have waived.

XII.

Each party has the full power and authority to enter into and perform this Agreement and the person signing this Agreement on behalf of each party has been properly authorized and empowered to enter into this Agreement. The persons executing this Agreement hereby represent that they have authorization to sign on behalf of their respective corporations. This Agreement may be executed simultaneously in one or more counterparts, each of which shall be deemed an original and all of which together constitute one and the same instrument.

Approved on the date or dates indicated.

CITY OF HUNTSVILLE

Matt Benoit, City Manager
City of Huntsville, Texas

Date

ATTESTED:

APPROVED AS TO FORM:

Lee Woodward, City Secretary

Leonard Schneider, City Attorney

Examined and Recommended:

_____, Texas Department of Criminal Justice

Date

_____, Texas Department of Criminal Justice

Date

APPROVED AS TO LEGAL FORM

_____, Texas Department of Criminal Justice

Date

EXHIBIT "A"

	TDCJ Rate per 1,000 gallons
FY 2017	\$ 3.47
FY 2018	\$ 4.22
FY 2019	\$ 5.13
FY 2020	\$ 6.23
FY 2021	\$ 7.50



CITY COUNCIL AGENDA

8/16/2016

Agenda Item: 6c

Item/Subject: Consider adopting Ordinance 2016-33, calling a special bond election for November 8, 2016.

Initiating Department/Presenter: City Manager

Presenter: Matt Benoit, City Manager
Lee Woodward, City Secretary
Leonard Schneider, City Attorney

Recommended Motion: Move to adopt Ordinance 2016-33, calling a special bond election for November 8, 2016.

Strategic Initiative: Goal #4 - Infrastructure - Ensure the quality of the City utilities, transportation and physical structures so that the City's core services can be provided in an effective and efficient manner.

Discussion: Since March, the City Council has been conducting work sessions and reviewing studies related to the City's infrastructure. Studies reviewed include the following facilities or topics: quality of life improvements, Palm Street Water Plant and Water Distribution system pressure plane modifications, both wastewater treatment plants, police station, Fire Station #2, Service Center, City Hall, and streets.

The Council has also carefully reviewed debt capacities to fund these projects. Debt capacity can be defined as expiring debt plus additional available revenue. All of the Council's work in the last six months has brought the opportunity to call for a bond election in November.

The attached ordinance contains three propositions:

- Proposition #1 – To construct public safety facilities, for an amount not to exceed \$31 million
- Proposition #2 – To construct City services facilities, for an amount not to exceed \$24 million
- Proposition #3 – Water and Sewer system facility improvements, for an amount not to exceed \$73 million

Should a Councilmember wish to remove any particular Proposition, City staff offers the following motion: "I move to amend Ordinance 2016-33 by striking all references to the currently designated Proposition # ____."

Should a Councilmember wish to amend the principal amount of debt authorized for issuance in any particular Proposition, City staff offers the following motion:

"I move to amend Ordinance 2016-33. I move to change the principal amount of debt authorized for issuance in Proposition # _____ by striking (the number you want to remove) and inserting \$_____."

The deadline for calling this bond election for the uniform election date in November is August 22, 2016.

Previous Council Action: The City Council has conducted a total of nine work sessions to review studies and possible debt capacity scenarios and bond language.

Financial Implications:

☒ **There is no financial impact associated with this item.** There is no financial impact associated with calling an election. While there is a cost associated with calling an election, it isn't likely that the cost is substantially larger than what will be required for the at-large Councilmember positions. The potential for costs associated with this project hinge on voter approval.

Approvals: ☐ City Attorney ☐ Director of Finance ☒ City Manager

Associated Information:

- Ordinance 2016-33 (pages 3-10)

ORDINANCE NO. 2016-33

ORDINANCE CALLING A BOND ELECTION FOR NOVEMBER 8, 2016; MAKING PROVISIONS FOR CONDUCTING THE ELECTION; AND RESOLVING OTHER MATTERS RELATED TO SUCH ELECTION

THE STATE OF TEXAS
COUNTY OF WALKER
CITY OF HUNTSVILLE

§
§
§

WHEREAS, pursuant to the provisions of Chapter 1251, Texas Government Code, as amended, the Texas Election Code, as amended, and other related statutes, the City Council of the City of Huntsville, Texas (the "City") is authorized to call an election in order to submit to the voters of the City various propositions regarding the issuance of bonds; and

WHEREAS, the City Council deems it advisable to call a bond election for the propositions hereinafter stated; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance is being adopted was open to the public, and public notice of the time, place and purpose of the meeting was given, all as required by Chapter 551, Government Code, as amended.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS THAT:

Section 1. ELECTION DATE, POLLING PLACES AND ELECTION JUDGES. An election shall be held in the City as prescribed by applicable law between the hours of 7:00 A.M. and 7:00 P.M. on November 8, 2016. The election shall be held as a joint election pursuant to Chapter 271 of the Texas Election Code and a joint election agreement to be entered into between the City and Walker County, Texas. The City election precincts and polling places within the City designated for holding the election shall be determined by Walker County, and conducted at the polling places used for the Walker County General Election attached hereto as Exhibit "A" to this Ordinance and the exhibit is incorporated by reference for all purposes. The exhibit may be revised as necessary to conform with final county polling locations. Walker County's election equipment shall be used. The election judges and clerks shall be appointed in accordance with the Election Agreement and the Texas Election Code, as amended.

Section 2. ELECTION CLERKS. Unless otherwise directed by Walker County, the Presiding Judge shall appoint not less than two nor more than five resident qualified electors of the City to act as clerks to properly conduct the election. However, if the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the clerks. The appointment of such clerks must include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on the day of the election. In the absence of the Presiding Judge named above, the Alternate Presiding Judge shall perform the duties of the Presiding Judge.

Section 3. EARLY VOTING. Early voting in the election by personal appearance shall be conducted at the times, dates and polling places as provided for in the Walker County General Election attached hereto as Exhibit "B" to this Ordinance and the exhibit is incorporated by reference for all purposes. The exhibit may be revised as necessary to conform with final county early voting polling

locations. Diana McRae, Walker County Election Officer, is designated as the Early Voting Clerk for Walker County. Application for ballots by mail for Walker County voters should be sent to Diana McRae, County Election Officer, 1301 Sam Houston Avenue, Suite 104, Huntsville, Texas 77340.

Section 4. EARLY VOTING BALLOT BOARDS. Early voting ballot boards are hereby created to process early voting results, and the Presiding Judge of the board will be appointed by the Walker County Election Officer. The Presiding Judge shall appoint not less than two resident nor more than eighteen (18) qualified electors to serve as members of the Early Voting Ballot Boards.

Section 5. VOTERS. All resident, qualified electors of the City shall be entitled to vote at the election.

Section 6. NOTICE. A substantial copy of this Ordinance, with such omissions authorized by law, shall serve as a proper notice of the election. Such notice, including a Spanish translation thereof, shall be posted on the bulletin board used by the City to post notices of meetings and at City Hall not less than twenty-one (21) days prior to the date the election is to be held, and shall remain posted through Election Day. In addition to the foregoing, this Ordinance, including a Spanish translation thereof, shall be (i) posted on Election Day and during early voting by personal appearance in a prominent location at each polling place; (ii) posted in three (3) public places in the boundaries of the City no later than twenty-one (21) days before the election; and (iii) posted on the City's Internet website during the twenty-one (21) days before the election, if the City maintains an Internet website.

A substantial copy of this Ordinance, with such omissions allowed by law, shall serve as a proper notice of the election. Such notice, including a Spanish translation thereof, shall be published in the *Huntsville Item*, a newspaper of general circulation in the City, on the same day in each of two successive weeks with the first publication occurring not earlier than the thirtieth (30th) day or later than the fourteenth (14th) day prior to the day of the election.

The City Secretary is hereby authorized and directed to publish and post the required notices in the manner and for the time periods required by law.

Section 7. VOTING DEVICES. In all respects, the election shall be conducted in accordance with the Texas Election Code and the Federal Help America Vote Act. Every polling place used in Walker County for this election will have at least one Direct Recording Electronic voting device available for Election Day voting and early voting.

The Walker County Voter Registrar may also utilize a central counting station as provided by Section 127.000 *et seq.*, as amended, Texas Election Code. Any central counting station presiding judge and the alternate presiding judge shall be appointed in accordance with the Election Agreement and the Texas Election Code.

Section 8. PROPOSITIONS. At the election, the following BOND PROPOSITIONS shall be submitted in accordance with law:

PROPOSITION NO. 1

Shall the City Council of the City of Huntsville, Texas, be authorized to issue the bonds of the City, in one or more series or issues, in the aggregate principal amount not to exceed

\$31,000,000 with the bonds of each such series or issues, respectively, to mature serially within not to exceed thirty years from their date, and to be sold at such prices and bear interest at such rates, as shall be determined within the discretion of the City Council, in accordance with law at the time of issuance, for the purpose of constructing, acquiring, improving, renovating and equipping City public safety facilities for police and fire protection, including the acquisition of any necessary sites and related infrastructure, demolition and other costs; and shall said City Council be authorized to levy and cause to be assessed and collected annual ad valorem taxes on all taxable property in the City in an amount sufficient to pay the annual interest on said bonds and provide a sinking fund to pay the bonds at maturity?

PROPOSITION NO. 2

Shall the City Council of the City of Huntsville, Texas, be authorized to issue the bonds of the City, in one or more series or issues, in the aggregate principal amount not to exceed \$24,000,000 with the bonds of each such series or issues, respectively, to mature serially within not to exceed thirty years from their date, and to be sold at such prices and bear interest at such rates, as shall be determined within the discretion of the City Council, in accordance with law at the time of issuance, for the purpose of a City Services Facilities Project to include demolition, construction, renovation and equipping a new City Service Center at the existing site and relocation of certain city services to City Hall, including related water, wastewater, drainage, streets, sidewalks, parking infrastructure and other related costs; and shall said City Council be authorized to levy and cause to be assessed and collected annual ad valorem taxes on all taxable property in the City in an amount sufficient to pay the annual interest on said bonds and provide a sinking fund to pay the bonds at maturity?

PROPOSITION NO. 3

Shall the City Council of the City of Huntsville, Texas, be authorized to issue the bonds of the City, in one or more series or issues, in the aggregate principal amount not to exceed \$73,000,000 with the bonds of each such series or issues, respectively, to mature serially within not to exceed thirty years from their date, and to be sold at such prices and bear interest at such rates, as shall be determined within the discretion of the City Council, in accordance with law at the time of issuance, for the purpose of constructing, acquiring, improving, renovating and equipping City waterworks and sewer system facilities; and shall said City Council be authorized to pledge revenues of the City's waterworks and sewer system sufficient to pay said bonds in accordance with law at the time of issuance?

Section 9. OFFICIAL BALLOTS. The official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "FOR" or "AGAINST" on the PROPOSITIONS with the ballots to contain such provisions, markings and language as required by law, and with such PROPOSITIONS to be expressed substantially as follows.

PROPOSITION NO. 1

FOR () THE ISSUANCE OF TAX BONDS IN AN AMOUNT NOT TO

AGAINST () EXCEED \$31,000,000 FOR PUBLIC SAFETY FACILITIES.

PROPOSITION NO. 2

FOR () THE ISSUANCE OF TAX BONDS IN AN AMOUNT NOT TO EXCEED \$24,000,000 FOR THE CITY SERVICES FACILITIES PROJECT.
AGAINST ()

PROPOSITION NO. 3

FOR () THE ISSUANCE OF WATERWORKS AND SEWER SYSTEM REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$73,000,000 FOR CITY WATERWORKS AND SEWER SYSTEM FACILITIES.
AGAINST ()

Section 10. TEXAS ELECTION CODE. In all respects the election shall be conducted in accordance with the Texas Election Code.

Section 11. SECTION 3.009(b) OF THE TEXAS ELECTION CODE. Solely for purposes of compliance with Section 3.009(b) of the Texas Election Code, set forth in Exhibit "C" attached hereto is the information required in a document ordering a bond election in accordance with Section 3.009(b) of the Texas Election Code. Exhibit "C" is hereby incorporated by reference for all purposes.


Section 12. RESULTS. The Walker County Election Officer shall conduct an unofficial tabulation of results after the closing of the polls on November 8, 2016. The official canvass and tabulation of the results of the Special Election shall be conducted by the City Council at a Special Council Meeting in accordance with the Texas Election Code.

Section 13. PROVISIONS. The provisions of this Ordinance are severable; and in case any one or more of the provisions of this Ordinance or the application thereof to any person or circumstance should be held to be invalid, unconstitutional, or ineffective as to any person or circumstance, the remainder of this Ordinance nevertheless shall be valid, and the application of any such invalid provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

PASSED AND APPROVED on this ___ day of August, 2016.

Andy Brauningner, Mayor
City of Huntsville, Texas

ATTEST:



Lee Woodward, City Secretary
City of Huntsville, Texas

APPROVED AS TO FORM:

Leonard Schneider
City Attorney

(CITY SEAL)



EXHIBIT "A"

November 8, 2016 General and Special Elections

ELECTION DAY VOTING: November 8, 2016, 7:00 a.m.-7:00 p.m.

CITY OF HUNTSVILLE ELECTION DAY POLLING LOCATIONS

PRECINCT LOCATION

101	WALKER COUNTY JUSTICE CENTER, 717 FM 2821, Huntsville, 77320
102	WALKER COUNTY ANNEX, 1301 Sam Houston Avenue, Suite 101, Huntsville, 77340
201	WALKER COUNTY STORM SHELTER/H.E.A.R.T.S. VETERANS COMPLEX, 455 State Highway 75 North, Huntsville, 77340
205	ELKINS LAKE CONFERENCE CENTER, 634 Cherry Hills Drive, Huntsville, 77340
206	HUNTSVILLE FIRE STATION NO. 1, 1987 Veterans Memorial Parkway, Huntsville, 77340
301	HUNTSVILLE ISD TRANSPORTATION BUILDING, 95 Martin Luther King, Huntsville, 77320
401	UNIVERSITY HEIGHTS BAPTIST CHURCH, 2400 Sycamore Avenue, Huntsville, 77340

SUBJECT TO CHANGE

EXHIBIT "B"

November 8, 2016 General and Special Elections

EARLY VOTING: October 24 – November 4, 2016

Main Early Voting Site: Walker County Annex, 1301 Sam Houston Ave, Suite 101

Dates: October 24 – November 4, Monday through Friday

Times: 8:00 a.m. - 5:00 p.m.

EXCEPTIONS: There will be two twelve hour days during early voting at the Main Early Voting Site.

Tuesday, October 25 - 7:00 a.m. – 7:00 p.m.

Tuesday, November 1 - 7:00 a.m. – 7:00 p.m.

There will be weekend voting at Main Early Voting Site ONLY:

Saturday, October 29 - 8:00 a.m. – 12:00 p.m.

Sunday, October 30 - 1:00 p.m. – 5:00 p.m.

Branch Early Voting Site: H.E.A.R.T.S Veterans Complex/a.k.a. Walker County Storm Shelter
(Temporary), 455 State Highway 75 North

Dates: October 24 - October 28, Monday through Friday

Times: 8:00 a.m. - 5:00 p.m.

EXCEPTION: Tuesday, October 25 - 7:00 a.m. – 7:00 p.m.

NOTE: All Walker County polling locations will be open on Election Day, November 8, 2016

SUBJECT TO CHANGE

EXHIBIT "C"

**INFORMATION REQUIRED PURSUANT TO
SECTION 3.009(b) OF THE TEXAS ELECTION CODE¹**

In accordance with the provisions of 3.009(b) of the Texas Election Code, it is hereby found and determined that:

- (1) The proposition language that will appear on the ballot is set forth in Section 8 of this Ordinance.
- (2) The purpose for which the bonds are to be authorized is set forth in Sections 8 and 9 of this Ordinance.
- (3) The principal amount of the bonds to be authorized is set forth in Sections 8 and 9 of this Ordinance.
- (4) As set forth in Section 8 of this Ordinance, if the bonds in Proposition 1 and Proposition 2 are approved by the voters, taxes sufficient to pay the annual principal of and interest on the bonds, within the limits prescribed by law, may be imposed. If the bonds in Proposition 3 are approved by the voters, revenues sufficient to pay the annual principal of and interest on the bonds, within the limits prescribed by law, may be pledged.
- (5) Based upon the bond market conditions on the date this Ordinance is approved, the maximum interest rate for any series of the bonds authorized to be sold by the voters is estimated to be 6.0%, as calculated in accordance with applicable law. Such estimate is based on advice received from the City's financial advisor, which advice takes into account a number of factors, including the timing of the issuance of bonds approved by the voters, the maturity schedule for bonds issued by the City, and the expected credit ratings of the bonds. The estimated maximum interest rate is provided as a matter of information, but is not a limitation on the interest rate at which the bonds, or any series thereof, may be sold.
- (6) As set forth in Section 8 of this Ordinance, if the bonds are approved by the voters, the bonds may be issued in one or more series to mature serially over a period not to exceed 30 years.
- (7) As of the beginning of the City's current fiscal year (2015-2016), the aggregate amount of outstanding principal of the City's ad valorem tax debt obligations is \$17,700,000.
- (8) As of the beginning of the City's current fiscal year (2015-2016), the aggregate amount of outstanding interest on the City's ad valorem tax debt obligations is \$4,424,963.
- (9) As of the date of this Ordinance, the ad valorem debt service tax rate of the City is \$0.1005 per \$100.00 valuation of taxable property.

¹ This information is provided solely for purposes of compliance with Section 3.009(b) of the Texas Election Code and is for illustrative purposes only. The information is not a part of the proposition to be voted on and does not create a contract with the voters.